

LEGAL LONDON: GENDER, SPACE, AND THE CULTURE OF THE BAR, 1850-1940

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A dissertation submitted to Johns Hopkins University in conformity with the requirements for
the degree of Doctor of Philosophy

Baltimore, Maryland

May 2015

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Abstract

The nineteenth- and early-twentieth-century Inns of Court marshaled history and tradition to construct and perpetuate a decidedly English fraternal culture at the bar. They emphasized ancient practices such as dining rituals and the historic architectural spaces that housed them to socialize members of the bar into a particular professional ethos. These rituals highlighted the importance of precedent at the Inns. Not only did precedent structure common law, it justified the Inns' governance of the bar and their existence as independent local authorities. When Victorian powers such as utilitarian MPs or new centralized metropolitan bodies attempted to challenge the Inns' status, the societies responded by citing precedent to preserve their autonomy.

At the same time, these seemingly unchanging societies adapted to a variety of cultural, demographic, and political shifts at the local, national, and imperial levels. The Inns participated in the nation's growing culture of civic improvement by providing recreational spaces to the urban poor. The benchers subsequently incorporated these practices into justifications for the Inns' autonomy, citing both precedent and the Inns as a site of public good to fend off encroachments by outside authorities. Faced with an increasingly heterogeneous membership, the societies accommodated basic dietary and sumptuary differences and demanded a veneer of religious toleration from their members. In the early decades of the twentieth century, however, the Inns grew increasingly suspicious of members who held radical political commitments. In reviewing disciplinary cases of nationalists, conscientious objectors, and communists, the societies ultimately chose to excuse or disbar radical members not according to standards of gentlemanliness, as had the Victorian Inns, but along lines of perceptible foreignness and national loyalty. The group that the societies most fiercely resisted admitting, however, was

women. The Inns waited for parliamentary intervention—the most direct violation of their autonomy in their history—rather than willingly disrupt their fraternal preserve. When finally forced to admit women, the Inns manipulated tradition and the built environment to create deliberate and unintentional roadblocks to women’s professional success.

Adviser: Judith R. Walkowitz

Readers: John Marshall, Toby Ditz, Mary Fissell, Jesse Rosenthal

Acknowledgements

The generous support of several granting agencies made the completion of project possible. I am grateful to the Paul Mellon Centre for Studies in British Art; the North American Conference on British Studies; the Doris G. Quinn Foundation; and the Johns Hopkins University, particularly the History Department and the Program for the Study of Women, Gender, and Sexuality.

I am also indebted to a number of libraries and archives. I would particularly like to thank Lesley Whitelaw, Hannah Baker, and Siobhan Woodgate at the Middle Temple Archives for hosting me for so many hours (and free of charge!). Sharing cups of tea with Celia Pilkington of the Inner Temple Archives made workdays a true pleasure. Additional thanks to the staff of the British Library and British Newspaper Library, the London Metropolitan Archives, the Women's Library, the Liddell Hart Centre for Military Archives, and the National Archives.

This project has benefitted enormously from a number of seminars and workshops. Many thanks to the Folger Shakespeare Library for hosting The Legal and Cultural Worlds of the Inns of Court, chaired by the late Christopher Brooks. Participants in the European Seminar at the Johns Hopkins University provided insightful feedback on several drafts. I am deeply grateful to all the members of the JHU Gender History Workshop, including Toby Ditz, Mary Ryan, and Mary Fissell, who offered thoughtful critiques and suggestions for this project from its inception through its final stages.

Many scholars have discussed methodological questions, read drafts, pointed me in new directions, and generally shared their expertise with me. John Marshall patiently and stalwartly directed me to and through long centuries of legal thought. Will Brown exceeded the call of duty

as a friend and colleague in the generosity of his intellectual support. Jess Clark, Katie Hindmarch-Watson, Laurel Flinn, and Amanda Herbert supplied me with academic inspiration, considered feedback, and unflagging encouragement. I would also like to thank Lucy Delap for her reading suggestions and Charlotte O'Donnell for her outside perspective on women barristers. Special thanks to Todd Shepard, Tobie Meyer-Fong, and Michael Kwass; and to Sara Damiano, Katie Hemphill, Norah Andrews, Jessica Walker, Adam Bisno, Jessica Valdez, David Schley, Elizabeth Imber, and Rachel Hsu. The faculty and graduate students of the Johns Hopkins History Department have fostered an unimaginably rich intellectual community.

I owe an unspeakable amount to the mentorship of Judy Walkowitz. Intellectually, Judy encouraged me to explore, challenged me to push further, directed me to new ideas, and helped me refine my own. She carefully dissected my prose but let me cultivate an individual analytic voice. She has been an inimitable exemplar in her scholarship and a pillar of support for my own. I am deeply grateful to count her as an adviser, colleague, and friend.

I am much obliged to the administrative staff of the Hopkins History Department, especially Rachel LaBozetta, Lisa Enders, and Megan Zeller, who kept this project moving forward through actions large and small. I would also like to thank the worker-owners of Red Emma's and Charmington's for tea, conversation, and sunlit workspaces.

Finally, I want to thank the tremendous number of friends and family members who spurred me on throughout this project. Hilary Parker, Jenna Krall, Rebecca Powers, Chitra Venkataramani, Katie Glanz, Seth LeJacq, Jared Margulies, and Ean Fonseca provided both interdisciplinary perspectives and a great deal of laughter. I received unwavering encouragement from many members of the Baltimore arts community, especially Sarah Lamar, Maura Dwyer, Jake Budenz, Evan Moritz, and Kellie Mecleary. Special thanks to long-time supporters Tammy

Sforza, Dolores Kusman, Anthony and Joan Policastro. And lastly, to Diane and Larry Pepitone, who have buoyed me in just about every way imaginable: this isn't quite the novel you once expected, but hopefully it will do.

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Introduction

If you find yourself in central London, Fleet Street is not difficult to locate. A major thoroughfare connecting the business of the City to the pleasures of the West End, it is heavily trafficked by tourists and business people alike. Traveling west from St Paul's Cathedral, you pass a variety of chain eateries offering cheap lunch and free wifi, a handful of long-established taverns like the centuries-old Cheshire Cheese, bookshops specializing in legal texts, and the Neo-Renaissance pedestal topped by a dragon where Christopher Wren's Temple Bar once stood. Just before the Royal Courts of Justice, turn south through the opening of the nail-studded iron gate. As your eyes adjust to the dim light of a narrow lane you will notice a shop selling barristers' wigs to your left. The cobblestone road that slopes in front of you, flanked by somber brick buildings, leads past an Elizabethan hall to lush lawns and gardens. Take your first left and cut through Pump Court—don't expect to see a pump—and you will find yourself outside the rounded nave of a medieval church. You are now in the heart of the Temple, or more properly of the adjoining grounds of the Honourable Societies of the Inner and the Middle Temples, two of England's four Inns of Court. Along with Lincoln's Inn and Gray's Inn, these four legal societies regulate the upper half of the English bar, controlling qualification for and discipline of practice as a barrister. The societies provide only limited aspects of legal training because they are guild-like professional associations dating back to the middle ages, not law schools. All barristers must belong to one of the four societies, however, and many barristers practice out of sets of chambers at the Inns. Tourists may visit the grounds and the church.

These ancient institutions remain firmly embedded not only in central London, but in contemporary British media and culture. In February 2011, for example, the BBC premiered the television drama *Silk*. Set in fictional chambers at the Middle Temple, the show follows the

struggles of barrister Martha Costello to succeed in a cut-throat and decidedly masculine profession. In May of 2011, two *Guardian.com* articles debated the value of the dinners the Inns of Court require bar candidates to attend. One author derided the “anachronistic banquets” as “quite a show,” unlikely to change the fact that, in an overcrowded profession, success is most often reserved for the Oxbridge elite. In response, a second author defended dinners as valuable opportunities for students “to meet barristers and judges,” noting the altruism of the latter in devoting their time to this pursuit. The comments on these pieces ranged broadly, from complaints about “toffs” at the Inns “raking it in” to “cries of poverty” from the majority of the profession; from jokes about dining with “Muslims on either side to drink their booze” to vegetarian soup that turned out to have “chunks of ham in it;” from dinners as pleasant but not “fit for purpose in the modern age” to staunch defenses of the traditions of the Inns as sacrosanct. One commenter went so far as to label a reference to the Inns as a sort of Disneyland as “unforgiveable.”¹

Scholars of the Victorian bar will recognize many of these themes—an elite, masculine profession exclusive of both women and those without the right academic pedigree; debates over the value of tradition in the face of rationalization and questions as to the adequacy of extant legal training; anxieties about ethnic minorities disguised by dismissive humor; the struggle of the Inns to cope with different needs amongst their members, down to something so basic as vegetarian soup.² The origins of almost all of these contemporary themes lie in the nineteenth and early twentieth centuries, but despite the importance of this period it has received surprisingly little scholarly attention. Those studies that do exist tend to be narrow in breadth

¹ Fiona Fulton, “Breaking the myth of the barristers’ dinner,” *theguardian.com*, May 17, 2011, accessed Aug 25, 2014. Alex Aldridge, “Barristers’ dinners—a bit of fun or one upper-class indulgence too many?” *theguardian.com*, May 12, 2011, accessed Aug 25, 2014.

² “Dining Customs,” *lincolnsinn.org.uk*, accessed Aug 27, 2014.

and scope, working within limited chronologies and focused largely on the Inns only as they relate to the legal profession.

Legal London argues that the nineteenth-century Inns of Court fused historicist ritual and Victorian strictures of gentlemanliness to carefully cultivate everyday performances of professional masculinity. The societies then preserved institutional culture and autonomy by adapting these principles to ethico-political questions of personal conscience and national loyalty in the face of the massive metropolitan and imperial transformations of the early twentieth century. Unlike highly compartmentalized studies of the bar, *Legal London* considers the Inns of Court from a variety of perspectives: as legal societies regulating access to an elite profession; as a territory in London that maintained an uneasy and contested relationship with the neighborhoods that bordered it; as an artifact of cultural heritage that took on national importance; and as producers of the gentlemanly liberal subject in the midst of Britain's great empire. The breadth of my chronological scope, from 1850 to 1940, allows me to trace transformations with mid-Victorian roots that bore fruit in the early twentieth century and beyond. This chronology also allows me to consider women and colonial subjects in the same study, which other works on the bar have not done. The project employs sources utilized by other legal historians, such as institutional records and the legal press, but combines them with letters, diaries, memoirs, guidebooks, fiction, and the popular press to consider a broader context than most existing legal histories.³ The study incorporates a diverse array of voices and historical actors, including the bar's successful and high-flying, but also struggling law students, disbarred barristers, political radicals and dissidents, and women's rights campaigners.

³ Daniel Duman, *The English and Colonial Bars* (London: Croom Helm, 1983). Raymond Cocks, *Foundations of the Modern Bar* (London: Sweet & Maxwell, 1983). *History of the Middle Temple*, ed. Richard O Havery (Oxford and Portland, Oregon: Hart Publishing, 2011).

The project examines institutions that, despite lying outside the realm of Parliament or government bureaucracy, were deeply connected to powerful positions within the British state. In the nineteenth and early twentieth centuries, these four legal societies controlled access to the upper reaches of the legal profession in Britain and its colonies. Gateways to law, the judiciary, Parliamentary and cabinet positions, the Inns of Court were uniquely entrenched in the power structures of Great Britain and its empire. Other European nations, for example, did not divorce legal education and the regulation of the bar from the universities and the state.⁴ In a split legal profession, barristers, who pleaded cases in court, held more prestige and higher salaries than solicitors, who interacted with clients. With specialized knowledge in law and the process of using the courts, as well as professional connections to the governing elite, many leading politicians began their careers as barristers.

The power of the Inns of Court rested on the unique status of precedent within British common law. The Inns governed the bar not because they were chartered to do so by the crown or any legislative body, but because their uninterrupted governance of the bar from time immemorial gave them the right to continue. Similarly, the societies' centuries-old occupation and maintenance of their grounds justified the Inns' status as independent local authorities. Precedent thus acted as a bulwark against other local or parliamentary authorities that infringed upon the Inns' rights over practice at the bar or their material environs. Precedent also dictated the standards by which the Inns governed their members. Rather than codified rules, the societies followed examples set by their forbearers. The absence of clear statutes afforded the Inns wide latitude in interpreting standards of professional practice, allowing them to adapt their standards to shifting socio-political contexts. The societies' constant retrospective gaze created a

⁴ Michael Burrage, *Revolution and the Making of the Contemporary Legal Professions* (Oxford: Oxford University Press, 2006). Hannes Siegrist, "Professionalization with the Brakes On: The Legal Profession in Switzerland, France and Germany in the Nineteenth and Early Twentieth Centuries," *Comparative Social Research* 9 (1986), 267-298.

culture centered on a deep valuation of history and its remains, and connected the ancient material lineage of the Inns with their ties to ancient law. Importantly, the societies' respect for the inheritances of the past embedded the Inns with a conservative outlook, which presumed the rationality of preceding decisions and resisted all but the smallest, most incremental changes.

This study illuminates how institutions independent of the central government fiercely maintained their autonomy. William Joseph Reader and Harold Perkin have charted the nineteenth-century ascendancy of reforms emphasizing merit, training, and examination over systems such as the army's sale of commissions, the civil service's use of patronage, and the exclusivity of the Royal College of Physicians. According to this narrative, centralized control and forced adherence to rules and guidelines rationalized these professions and made them more meritocratic.⁵ The Inns of Court, however, firmly resisted the tide of centralization. Their ancient lineage and the exalted status of the law in Victorian culture extended unique cachet to the Inns and exempted the societies from sweeping parliamentary or press critiques. Furthermore, the societies neither needed to legitimate their existence, as did the medical establishment, nor did they experience dramatic failures in carrying out their function, as did the army. Instead, throughout the nineteenth century the Inns forestalled parliamentary intervention through self-directed reforms. Theirs is a story of longevity and continuity of institutional power. Similarly, the societies maintained their authority on a local level. As liberties of London, legally the Inns were independent from the City of London and the greater metropolis. Centralized approaches to urban improvement in the mid-nineteenth century, such as the Metropolitan Board of Works, presented a new threat to the autonomy of the Inns. The societies

⁵ William Joseph Reader, *Professional Men* (New York: Basic Books, 1966). Harold Perkin, *The Rise of Professional Society* (London: Routledge, 1989).

warded off the City's and the Board's endeavors to assert jurisdiction over the Inns through a combination of law and ritual.

The project builds upon the work of Paul Deslandes and others to investigate the role that homosocial institutions played in perpetuating the values of the educated elite and in forming British masculinities.⁶ The Inns of Court's members cross-populated the universities and gentlemen's clubs, but as professional societies with values stemming from a material culture tied to Old London, sociability at the Inns was distinct from, if not unrelated to, that at Oxbridge and the West End. The societies used customs and traditions to promote both a particular professional ethos and a culture of belonging based on fraternal bonds. Eric Hobsbawm and others have argued that many Victorian rituals of symbolic nature used to inculcate certain values and norms implied continuity with the past, but really were of nineteenth century invention.⁷ At the Inns of Court, the societies both re-emphasized or revived pre-existing customs and established new ones with an ancient semblance to instill a sense of brotherhood based on shared values in their members. The societies also drew on the architectural remains of their grounds, particularly emphasizing surviving medieval and Elizabethan spaces and constructing new buildings or renovating old ones to conform to these architectural styles. They used the logic of precedent to maintain the bar as an all-male preserve: women never had been admitted to the societies, therefore women could not be admitted to the societies. The Inns were further able to take advantage of new developments in the Victorian era, such as the shift to a more robust masculinity defined by participation in sporting culture, to tout fraternity in the form of organizations like the Inns of Court Volunteer Rifle Corps.

⁶ Paul Deslandes, *Oxbridge Men* (Bloomington: Indiana University Press, 2005). Amy Milne-Smith, *London Clubland* (New York: Palgrave Macmillan, 2011). John Potvin, *Material and Visual Cultures Beyond Male Bonding, 1870-1914* (Burlington: Ashgate, 2008).

⁷ Eric Hobsbawm, "Introduction: Inventing Traditions," in *The Invention of Tradition*, ed. Eric Hobsbawm and Terrence Ranger, (Cambridge: Cambridge University Press, 1983), 1.

Legal London reveals the geographically and chronologically far-ranging impact of the bar's resolutely English, masculine culture. Located in the metropolitan center, the history of the Inns of Court simultaneously tells a story about London and a story that stretches beyond the metropole to the farthest corners of the British empire. With few exceptions, to practice as a barrister anywhere in the empire required joining an Inn and spending three years in London to qualify. No other profession demanded such centralized training. This consolidation socialized law students from across the empire into a resolutely masculine culture and uniformly prohibited women from practicing as lawyers in all but a handful of white settler colonies.⁸ At its height, the British empire encompassed approximately one-fifth of the world's population, making this project a comprehensive examination of exclusionary legal culture and revealing antecedents to disparities within the legal profession across the globe today.⁹

This study also reveals the societies' uneasy involvement in the processes of disciplining and ordering Great Britain and its empire. On the one hand, as ancient institutions that helped to mutually define and reinforce the values of the British elite, the Inns viewed themselves as responsible for shouldering certain burdens of imperial formation. As the Inns understood it, admitting members from the empire would imbue colonial students with traditions and values of the Inns, eventually transporting these conservative priorities back to the empire. In this respect the project frames the Inns as participating in the process of what Michel Foucault dubs

⁸ Women practiced as barristers in parts of Canada, New Zealand, and Australia as early as 1900. Mary Jane Mossman, *The First Women Lawyers: A Comparative Study of Gender, Law and the Legal Professions* (Portland: Hart Publishing, 2006), 14.

⁹ In the United States and the United Kingdom today, women and ethnic minorities in the legal profession are more likely than their peers to be pushed towards the lowest paid work in criminal and family law, to be shut out of the most competitive firms, and to be grossly underrepresented in the judiciary. In the United States, these attitudes formed across diffuse institutions and unevenly at the state and federal levels. Though one could point to preeminent institutions as exemplars, it would be difficult to form a comprehensive picture of American legal culture or its institutional roots across the entire country. "A Current Glance at Women in the Law," *American Bar Association*, Feb 2013. "Trends in the solicitors' profession Annual Statistics Report 2012," *The Law Society*, 2013. "Statistics," *The Bar Council*, 2006-2010.

governmentality. In Foucault's conception, social control is not achieved by top-down interventions of the state, but instead emanates from a variety of nodes, especially institutions such as hospitals and schools. These institutions encourage members to internalize their values, at which point the individuals become self-regulating, conducting themselves in accordance with the priorities of the established order. Conceiving of power as "a multiplicity of force relations," Foucault largely dismisses juridical discourse and his analyses therefore ignore legal institutions.¹⁰ By giving serious attention to the built environment, material culture, and embodied practice, however, my work considers legal institutions not as they shaped law, but as they formed the privileged individuals that informed and upheld hegemonic discourses. By instilling values central to the legal profession, such as fraternity and self-discipline, the Inns molded colonial subjects into what scholars have labeled the liberal individual. At the same time, however, the societies were also increasingly overwhelmed by the demands of an ever-expanding empire. Particularly in the early twentieth century, when faced with a growing number of politically radical or anti-imperial members, the Inns began to question the sustainability of their role as the central node of the legal profession.

Background: An Exclusive Profession

The Inns of Court had long been elite and homosocial institutions, but the demographics of their membership varied by period. The Inner and Middle Temples' history began in the twelfth century, when members of the Order of the Knights of the Temple of Solomon of Jerusalem, or Templars, built a series of monastic buildings on the site. Their close ties to the English monarchy did not save the Templars from papal charges of heresy and depravity, and by 1314 the last member of the order was burnt at the stake. The property was then leased to

¹⁰ Michel Foucault, "Governmentality," in *The Foucault Effect*, ed. Graham Burchell, Colin Gordon, and Peter Miller, (Chicago: University of Chicago Press, 1991). Michel Foucault, *History of Sexuality Volume I* (New York: Vintage Books, 1978), 92. Patrick Joyce, *The Rule of Freedom* (New York: Verso, 2003).

lawyers who organized themselves into two formal societies, the Inner and Middle Temples. Though originally guild-like in nature, by the sixteenth century, the Inns served an important role as finishing schools for the sons of the aristocracy. John H. Baker and Wilfrid Prest have argued that as centers of learning and public ritual the Elizabethan Inns were deeply engaged in civic life and the production of legal thought. Disrupted by the civil war, when many avoided London life if possible, legal moots, debates, and public rituals fell out of practice and went unrevived during the Restoration. In the late seventeenth and eighteenth centuries, with the decline of formal education at the Inns, wealthy young men began to replace time in London with a more fashionable “Grand Tour.” At the same time, an increasing number of middle-class Britons could afford to send their sons to train as barristers. By the late-eighteenth century, the middle-classes accounted for two thirds of the bar, whereas the gentry made up less than a quarter.¹¹

Though there were no formal requirements for joining an Inn, several policies ensured the functional exclusion of those too far down Britain’s social or economic hierarchies. Admission to the societies was primarily regulated by an applicant’s ability to pay his fees. Each Inn required a £100 deposit returned at call, plus “admission and call fees, annual duties and term fees, term dinners, [later] examination fees, and certificate of call.”¹² Such sums would have been prohibitive for almost all members of the working classes. In his demographic study of the Bar, Daniel Duman notes that a rare few artisans’ sons succeeded in entering the profession, but they were generally the children of highly skilled craftsmen such as jewelers. The bar could offer the possibility of social mobility to the sons of small businessmen, solicitors, doctors,

¹¹ John H. Baker, *The Common Law Tradition* (London: Hambledon Press, 2000). Timothy Daniell and J. M. B. Crawford, *The Lawyers: The Inns of Court: The Home of the Common Law* (London: Wildy and Sons, 1976). Duman, *The English and Colonial Bars*. Wilfrid Prest, *The Rise of the Barristers* (Oxford: Clarendon, 1986). David Lemmings, *Gentlemen and Barristers* (Oxford: Clarendon, 1990).

¹² In 1855 Middle Temple fees amounted to £60.12.0 for three years, and by 1920 the cost had risen to approximately £170. *Report of the Commissioners Appointed to Inquire into the Arrangements in the Inns of Court and Inns of Chancery*, (London: George Edward Eyre and William Spottiswoode, 1855). MT 1 LBO 24, Letter to Richard Talemaye, Jul 19, 1920.

teachers, and lower civil servants. Beginning in the 1820s, however, the societies instated rules to prohibit any person engaged in a trade from joining the Inns, and disbarred any barristers who pursued a trade themselves. Former solicitors were required to be out of practice three years before joining the societies, and all prospective members had to provide character references signed by two barristers. As Duman argues, such regulations were intended to favor individuals who could weather several years without income during their studentship and early days at the bar. They also put anybody without several barristers in their social circle at a disadvantage.¹³

While the benchers never made higher education a requirement for admission, it did privilege those with university degrees to encourage their membership. Noticing the decline of elite members but wishing to preserve the gentlemanly character of the bar, in 1762 the Georgian benchers passed regulations allowing Oxford or Cambridge graduates to be called to the bar after three years rather than five. The Inns also waved the £100 deposit for these individuals.¹⁴ The Victorian societies responded to the growth in prestige of the regional universities by gradually broadening the list of exemptions to comprise a wider range of institutions.¹⁵ In doing so they captured a much wider swathe of graduates, but still excluded students who had taken degrees outside the UK, along with those who had not attended university. The required deposit and greater number of terms before call could be a financial burden for these students, and for overseas students they were compounded with the cost of the voyage to London.

For those who possessed the means, the application process was fairly simple. A prospective student first chose which of the four Inns to which he wished to be admitted. Few memoirs or diaries explain why members selected their particular society. Some applied to the

¹³ Daniel Duman, *The English and Colonial Bars* (London: Croom Helm, 1983), 19-21.

¹⁴ By 1885, fifty-eight percent of men at the Bar had studied at Oxbridge. Daniel Duman, *The English and Colonial Bars*, 20.

¹⁵ MT MPA Apr 22, 1920.

same Inn to which their fathers or families belonged, but some did not. Others may have applied to an Inn favored by graduates of their college. The Middle Temple, eager to drive up its lagging numbers at mid-century, readily admitted international students, making it a favorite with subsequent generations of overseas applicants. Men with no connection to an affinity group may have chosen at random. Having selected an Inn, the prospective student, or perhaps his parent, sent a letter of interest to the Under Treasurer of his chosen society, along with the two certificates of character signed by barristers and any requisite certificates related to examinations. Once all of this paperwork was in order the student could pay his fees and begin keeping term.

Chapter Breakdown

Legal London is a story of entrenched practices and resistance to change, of adaptation and, at times, accommodation. Of medieval origin, the Inns of Court derived their authority from common law precedent and privileged tradition and continuity with the past. In the 1850s, Victorian fiction established tropes of the Temple as a decaying relic of Old London and a site of cultural heritage. Increases in membership spurred the Inns to undergo massive renovation projects; by the end of the century most buildings were of Victorian creation. New social actors, urban developments, and increasingly complex global politics further challenged the seemingly unchanging nature of these institutions. Historically, buildings, walls, and the Thames itself separated the Inns from the rest of London. Victorian infrastructural projects, such as the Victoria Embankment along the Temple riverfront, jeopardized the societies' freedom from urban encroachments. An increasing number of men from across the empire came to study at the Inns of Court, bringing with them unfamiliar religious, sumptuary, dietary, and cultural needs and practices. In 1919, parliamentary legislation forced the Inns to admit women. In the face of

these changes, the trope of the Temple, its occupants, and its rituals as a ruin of Old London endured and gained force in the twentieth century as writers figured the Inns as a bastion of continuity with the past.¹⁶

The first chapter investigates the architectural spaces and embodied practices of the Inns of Court and their members in order to argue that the culture of the bar was one of resolutely English, masculine sociability. In the absence of required classes, the societies relied on fraternization with older generations to inculcate new members with legal knowledge and the traditional values appropriate to British barristers. This culture of sociability was predicated on homogeneity among the societies' population. The Inns expected law students to be upper-middle-class or wealthy young men, well-educated, with a vested interest in absorbing and propagating the societies' customs for future professional or political success. Their authority derived from custom and precedent, and their value as relics of a vanishing Old London gained particular force in the Victorian period. These conservative societies were thus extremely resistant to change. The chapter outlines in broad strokes a number of challenges to the Inns' unchanging culture which subsequent chapters explore in more detail: urban infrastructural improvements, an increasing number of politically dissident members, demands placed by an expanding empire, and the 1919 admission of women to the societies.

¹⁶ This study primarily considers two of the four Inns of Court, the Honourable Societies of the Inner Temple and the Middle Temple. These two societies shared adjoining grounds south of Fleet Street and the Strand, on the western border of the City of London. While distinct from one another in terms of membership and governance, culturally the two Inns were often referred to together, especially in terms of their material environs. Thus authors of both fiction and memoirs understood the topographic Temple as a singular entity. Lincoln's Inn and Gray's Inn, located in the borough of Holborn, did not hold the same cultural cachet as did their neighbors to the south. These two Inns also appeared in topographic guidebooks and literary fiction, but less often than the Temple, in part because they did not share the same ancient connections to the mysterious, medieval knights Templar. The two Holborn Inns also experienced processes of metropolitan modernity differently than the Temple, their separation from the surrounding city never having been as distinct as that of the latter Inns. Earlier chapters in the project therefore largely exclude Lincoln's Inn and Gray's Inn. Late in the nineteenth century, however, the Inns of Court began to determine policies amongst all four societies. The second half of this project thus incorporates some material from the other two Inns, though its focus remains on the Inner and Middle Temples.

Building on the discussion of the importance of the built environment in the first chapter, the following chapter explores the societies' struggle to maintain their local autonomy while fulfilling obligations to the public good. The Inns were geographically and legally separate from the rest of the capital, but they connected with the central London populace via efforts to promote citizens' physical, moral, and cultural well-being. At the same time, the Inns clashed with newly-created, centralized metropolitan bodies designed to unify and order the metropolis in the name of public health. Disputes between the Inns and entities like the Metropolitan Board of Works represented a conflict between an ancient system of local authority and processes of urban rationalization, a tension that defined metropolitan modernity in Britain. Historically, the Inns of Court had warded off infringements upon their rights by citing common law precedent for their independence. In confronting new centralized authorities, however, the Inns combined petitions establishing precedent with rhetoric about the Temple's role as a civic institution for public benefit to protect the autonomy and interests of the Inns. The Inns' success at defending their rights emphasized the enduring importance of common law in British legal thought, as well as the ability of conservative institutions to coopt progressive language for their own benefit.

The Victorian rationalizing impulse that reformed the city similarly spurred Liberal MPs to inquire into the professions, debating whether or not the Inns of Court adequately governed the bar and effectively trained their members. The societies defended themselves from parliamentary assaults by insisting that legal etiquette ensured the gentlemanly character of the bar. The third chapter particularly examines disciplinary hearings for violations of etiquette at the Inns to consider the societies' direct assertions of their authority over the operations of the legal profession. It argues that, in the nineteenth century, breaches of legal etiquette largely pertained to ungentlemanly behavior, such as engaging in trade. In the geopolitical context of

the early twentieth century, however, faced with members holding new radical political commitments, the societies overlaid concerns about gentlemanliness with worries over personal political expression and national loyalty. In the face of conscientious objection, colonial independence movements, and Bolshevik revolution, the societies manipulated legal etiquette and rules to deliberately excuse or disbar members for similar offenses along lines that accorded more with members' seeming Britishness or foreignness than with the legality or illegality of their actions.

The Inns worried over political dissidents of all persuasions, but the fourth chapter examines their largest and most on-going source of concern: Indian nationalists, whom the Inns sometimes conflated with Indian students more generally. Beginning in the mid-nineteenth century, men from throughout the empire, but in greatest number from India, came to London to study law. By the early twentieth century, burgeoning colonial nationalist movements gained visibility for their causes, sometimes through violent actions in the colonies or in London. Members of the Inns came to distrust the potentially radical politics of their overseas members, equating all imperial subjects with anti-British actions. The societies collaborated with the British government to consider quotas limiting the number of Indian students in London. They debated whether or not colonial students were capable of being trained to be self-regulating subjects who would willingly submit to and replicate existing structures of power.

Whereas from the 1880s until the early twentieth century, the Inns readily accepted, sometimes even encouraged, colonial membership, the societies resisted women's presence until Parliamentary legislation mandated otherwise in 1919. Thus, successive generations of colonial students had passed through the societies by the time of admission of the first wave of female candidates. Colonial students were never in the majority at the bar, but unlike women, or

African Americans in the US case, their numbers were significant enough that they could form their own alternate communities. Outside institutions, such as the India Office, intervened on their behalf. There is evidence that English and colonial students sometimes self-segregated, but there is also evidence of mixing between the two groups. As the fifth chapter details, women students also made connections with their male peers, but were sometimes institutionally segregated. Furthermore, colonial subjects had the option of returning to positions of relative authority at home, whereas the majority of early women barristers did not end up practicing law.

Each chapter in this project documents the Inns' unyielding though hardly static relationship to outside authorities in the face of demographic, governmental, and geo-political challenges. In the second chapter, the societies repeatedly butted heads with municipal authorities, but were willing to cooperate with and accommodate both tourists and residents of local neighborhoods in a form of institutional noblesse oblige. Chapter three broadens the context to think about outside authority in the form of parliamentary pressures for bar reform in the nineteenth century, and geo-political forces in the early twentieth. In both cases the societies held their own, warding off parliamentary intervention with self-directed reforms, and evaluating members' changing politics on a case-by-case basis. In the context of overseas students, however, the Inns' autonomy began to buckle. As the fourth chapter details, an expanding empire made demands on the societies that became increasingly difficult to accommodate, particularly in the face of nationalist violence. The Inns proved willing to not only cooperate with, but even cede some authority to, various arms of the state. Around the same time, as explored in the fifth chapter, the Inns faced a crushing blow to their autonomy in the form of parliamentary intervention via the Sex Disqualification (Removal) Act 1919. Overall, however, these various challenges to the Inns' independence changed the culture of the Inns in only minute

ways. This project is not a story of decline but of the adaptability of powerful and conservative institutions whose longevity depended on the gendered, classed, and racialized underpinnings of institutional power.

Chapter 1 –The Material Temple and the Culture of the Bar

In November 1843, the *Illustrated London News* featured a brief article on the Inns of Court. The text explained that while many practices from the “good old times” had disappeared, the dining rituals at the Inns of Court had not. An engraving in the center of the page, dwarfing the accompanying text, depicted the interior of the Middle Temple’s Elizabethan hall during a formal dinner. [Figure 1.1] In the image, the curved arches of the hall’s elaborate double hammer-beam ceiling framed straight lines of staid barristers and benchers, each in his black gown. The cavernous architecture impressed its obvious age and size; the men engaged in sober ceremony.¹ In its dignified, antiquated, and masculine depiction, the image typified many mid-nineteenth-century figurings of the Temple as a bastion of Old London.

That same year, the humor magazine *Punch* included an article on the dowager Queen Adelaide’s visit to the Temple, an occasion also marked by antiquated ceremony. Unlike the *ILN*’s dining rituals, however, Queen Adelaide’s visit lacked dignity. Off to an inauspicious start, her cortège arrived at successive Temple gates to find footpaths instead of carriage roads. When the entourage finally made it to the hall it was greeted by a deputation of benchers out of breath from chasing the cortège. Thence followed a ludicrous procession, detailed as well as illustrated by *Punch*: porters waving sticks, charwomen “carrying the venerable ashes of the grate in order to mingle them with the dust of surrounding Templars,” a treasure-chest-like wig-box “supported by” clerks, a junior barrister “not supported by anything, but ...endeavouring to support himself,” and the queen surrounded by the benchers. [Figure 1.2] Her majesty received a fourpenny lunch on a table propped up by a city directory, followed by a tour in which Pump

¹ “Dining in the Middle Temple Hall,” *Illustrated London News*, Nov 4, 1843.

Court lacked a pump, Fig Tree Court a fig tree, and Fountain Court a functioning fountain.²

Punch reduced the ancient grounds of the Inns to obstacles to comfort and convenience, and dismissed their historic artifacts as nothing more than shoddy furniture. The inhabitants were dusty and equally outmoded or, as in the case of the junior barrister, comically unsuccessful in the modern world.

As the above newspaper articles illustrate, for the mid-Victorians, the Temple was a multivalent cultural symbol, a powerfully enduring but sometimes rather fusty preserve of Old London. Both the *ILN*'s reverent and *Punch*'s decidedly irreverent representations of the societies captured salient features of the Inns of Court that produced the culture of the bar, particularly their material environs. As theorists Henri Lefebvre and Edward Soja insist, not only do people make and re-make space, but space in turn shapes its occupants.³ In its satirical rendering of the Inns, *Punch* highlighted the antiquated infrastructure and decaying grounds of the central London institutions. Likewise, in the 1840s and 1850s, newspapers, fiction, and guidebooks frequently characterized the Inns as the physically decaying residences of a number of "shabby genteel" bachelors, barristers, and law students. In reality, the nineteenth-century middle-class exodus to London's suburbs reduced the number of mildewing residences and their moldering occupants at the Temple.⁴ Those who continued to live in chambers may have been struggling to succeed in an overcrowded profession, unable to afford a more fashionable address. Historians have outlined, however, the growing spatial separation between home and work for

² Adelaide, widow of King William IV, survived her husband by twelve years. "Queen Adelaide's Visit to the Temple," *Punch*, May 27, 1843.

³ Henri Lefebvre, *The Production of Space* (Cambridge: Blackwell, 1991). Edward Soja, *Postmodern Geographies* (New York: Verso, 1989).

⁴ The population of both Inns had been steadily decreasing since the beginning of the century. In 1801 the Inner Temple had 485 residents and the Middle Temple 382; in 1841 the Inner Temple had 278 residents and the Middle Temple 229; and by 1881 the Inner Temple had 156 residents and the Middle Temple 95. Census of Great Britain, 1851; Census of England and Wales, 1881. Preliminary report, and tables of the population and houses enumerated in England and Wales; Census of England and Wales, 1891.

middle-class professionals.⁵ As part of this trend, Temple chambers that had once been home and office alike increasingly came to be used by barristers as office alone. Middle-class professionals required the spaces they occupied to provide what historian Patrick Joyce terms “liberal infrastructure,” the material conditions that created the possibility for these individuals to function as self-disciplining liberal subjects.⁶ As such, mid-nineteenth-century tenants demanded running water and other modern amenities necessary to cultivate professional respectability, and the societies responded by gradually renovating their deteriorating buildings.

Calls for modernization and improvements did not, however, diminish the importance of the past for members of the Victorian Temple. A wide variety of scholars have examined the Victorian fascination with the past as it manifested in everything from literary and artistic movements to capitalist enterprise.⁷ For the societies, whose privileges stemmed from their ancient roots and the role of precedent in common law, the past legitimized their very existence. Architecture was critical. The societies cast their environs as remains of Old London, their medieval church and Elizabethan hall material evidence of their ancient origins. Following their valuation of these buildings, the Inns deliberately shaped the rest of their built environment to reflect this particular lineage. Architectural renovations and new constructions deliberately evoked the medieval and the Elizabethan, high points in Temple history and extremely popular periods within Victorian culture more broadly.

⁵ Leonore Davidoff and Catherine Hall, *Family Fortunes* (London: Hutchinson, 1987). John Tosh, *A Man's Place* (New Haven: Yale University Press, 2007).

⁶ Patrick Joyce, *The Rule of Freedom* (New York: Verso, 2003).

⁷ Peter Mandler, *The Rise and Fall of the Stately Home* (New Haven: Yale University Press, 1997). Billie Melman, *The Culture of History* (New York: Oxford University Press, 2006). David Boswell and Jessica Evans (eds), *Representing the Nation: A Reader* (New York: Routledge, 1999). Martin Wiener, *English Culture and the Decline of the Industrial Spirit: 1850-1980* (New York: Cambridge University Press, 1981). Rosemary Mitchell, *Picturing the Past* (New York: Oxford University Press, 2000). Paul Readman, “The Place of the Past in English Culture c. 1890-1914,” *Past and Present* (2005), 147-199.

The societies marshaled their ancient environs as fitting backdrops for the historic and historicist rituals at the center of the Inns' fraternal culture. The Temple's architectural spaces and embodied practices inducted members of the bar into a pertinaciously English, masculine sociability. As historians and literary critics argue, whether manifested in the Hellenistic friendships of Oxbridge aesthetes or in the robust comradeship of martial activities, idealized male affect occupied a privileged place in Victorian society.⁸ At the Inns, the societies relied on fraternization with older generations, rather than codified rules, to inculcate new members with the priorities of the legal profession. In letters, diaries, and memoirs, barristers defined legal culture as one in which men studied together in the library, chatted in the common room, drilled with the Volunteer Rifle Corps in the garden, and most importantly, dined together in the hall. This latter practice attempted to instill a sense of brotherhood in members by enacting a series of formal rituals of medieval or early modern origin revived or re-emphasized by the Victorian societies.⁹

Significantly, the Inns also fostered their fraternal atmosphere outside the pageantry of formal ritual in residential chambers shared by single men. Bachelor domesticity at the Inns, as elsewhere in the city, removed the feminized center of Victorian domestic ideology but nevertheless retained essential features of the home such as seclusion, comfort, and emotional warmth. Little explicit evidence of queer practices survives, but male intimacy in chambers allowed for blurred boundaries between social bonding and homoerotic desire. Temple chambers also shared features with analogous spaces of homosexual activity elsewhere in

⁸ Eve Kosofsky Sedgwick, *Between Men* (New York: Columbia University Press, 1985) and *Epistemology of the Closet* (Berkeley: University of California Press, 1990). Linda Dowling, *Hellenism and Homosexuality in Victorian Oxford* (Ithaca: Cornell University Press, 1994). Christopher Lane, *The Burdens of Intimacy* (Chicago: University of Chicago Press, 1999). Paul Deslandes, *Oxbridge Men* (Bloomington: Indiana University Press, 2005).

⁹ For similar practices in other contexts see Eric Hobsbawm, "Introduction," in *The Invention of Tradition* (New York: Cambridge University Press, 1983), 1-14. David Cannadine, "The Context, Performance and Meaning of Ritual: The British Monarchy and the 'Invention of Tradition,' c. 1820-1977," in *The Invention of Tradition*, 101-164.

Britain. Like the public schools and Oxbridge colleges that many members of the Inns had attended, the Temple sought to cultivate affect between men in close quarters. Coming of age in such institutions would have made male intimacy familiar to Temple residents. Unlike the highly policed worlds of the grammar schools and universities, however, the Inns provided their tenants with the same unmonitored freedoms as bachelor flats in the West End.¹⁰ The Inns of Court never garnered a reputation as homosexual enclaves, but they nevertheless provided a ripe environment for developing and acting upon homoerotic desire.

The Inns of Court may have emphasized their status as a preserve of history, but developments in the nineteenth and early twentieth centuries forced the societies to respond and adapt to the growth of the capital and the empire, concurrent cultural shifts, and the ravages of war. An increasing number of men from across the empire came to study at the Inns of Court, bringing with them unfamiliar religious, sumptuary, dietary, and cultural needs and practices. Urban development projects, such as the Victoria Embankment, disturbed the solitude of the Inns with the noise of construction, trains, and traffic. The City remained the preserve of masculine professionals, but the West End, a short walk from the Temple, blossomed into a cosmopolitan pleasure zone. A variety of spaces still offered men the comforts of all-male company, but an increasing number of heterosocial spaces—music and dance halls, theaters, and eventually cinemas—helped to change the expectation that men and women would socialize apart.¹¹ The Boer War brought members of the Inns of Court Rifle Volunteers into active service for the first time. Their casualties paled in comparison to those experienced by members of the Inns little

¹⁰ Katherine V. Snyder, *Bachelors, Manhood and the Novel, 1850-1925* (New York: Cambridge University Press, 1999). Holly Furneaux, *Queer Dickens: Erotics, Families, Masculinities* (Oxford: Oxford University Press, 2009). Matt Cook, *Queer Domesticities* (Basingstoke: Palgrave Macmillan, 2014). Angela Meah, “Materiality, masculinity and the home: men and interior design,” in *Masculinities and Place* (Farnham: Ashgate Publishing Ltd, 2014).

¹¹ Judith R. Walkowitz, *City of Dreadful Delight* (Chicago: University of Chicago Press, 1992) and *Nights Out* (New Haven: Yale University Press, 2012). Peter Bailey, *Leisure and Class in Victorian England* (London: Routledge & Kegan Paul, 1978). *Metropolis 1890-1940*, ed. Anthony Sutcliffe, (Chicago: University of Chicago Press, 1984). Lynda Nead, *Victorian Babylon* (New Haven: Yale University Press, 2000).

more than a decade later, when the First World War depopulated London of young law students and barristers.

In the face of these changes, the trope of the Temple, its occupants, and its rituals as a ruin of Old London endured and gained force in the twentieth century, as writers figured the Inns as a bastion of continuity with the past. This chapter thus contests the views of scholars such as Peter Mandler and others who argue that the rapid pace of change in the early twentieth century swept the past from its privileged place in British culture.¹² Beginning in the 1890s and reaching its peak after the First World War, members of the societies published “Temple histories” entirely devoted to the Inns of Court. Drawing on mid-Victorian literary depictions, these works were steeped with nostalgia for a pleasingly deteriorated Temple. Rather than the fragmented and fraught relations between men depicted in modernist literary works, members of the Inns emphasized a rosier, more Victorian notion of idealized friendship.¹³ The books ignored or dismissed male outsiders to this world, particularly colonial subjects. They prized and reaffirmed the value of friendship between men and propagated a culture deeply resistant to women.

The Material Temple

The Societies of the Inner and Middle Temple’s geographic location in the oldest part of London significantly shaped the Inns’ topography. The Temple occupied grounds on the City of London’s western border, just north of the Thames and south of the intersection of Fleet Street and the Strand. In the second half of the seventeenth century, after a number of timber-framed

¹² Peter Mandler, *The Rise and Fall of the Stately Home*. José Harris, *Private Lives, Public Spirit* (New York: Penguin Books, 1994). Raymond Chapman, *The Sense of the Past in Victorian Literature* (New York: St. Martin’s Press, 1986). P. B. M. Blaas, *Continuity and Anachronism* (Boston: M. Nijhoff, 1978). David Lowenthal, *The Past is a Foreign Country* (New York: Cambridge University Press, 1985). For a compelling argument for the continued importance of the past, see Paul Readman, “The Place of the Past in English Culture, c. 1890-1914.”

¹³ Sarah Cole, *Modernism, Male Friendship, and the First World War* (Cambridge: Cambridge University Press, 2003).

buildings succumbed to city-wide fires, the Inns set about erecting brick edifices with somber brown facades designed for barristers' and law students' business and residential purposes.¹⁴ Elsewhere in London the Georgians erected gleaming white buildings, which the Victorians replaced with red brick. But the Inns of Court had no investment in such modern updates. By the mid-nineteenth century, the buildings and grounds of the Inner and Middle Temples included gardens, libraries, halls, and a church, but the majority of buildings were these same brown brick chambers.

Chambers primarily provided barristers and law students with offices and residences, making the Inns a majority-male enclave. Renting a set of chambers was not compulsory, but the Inns were considered the center of the legal profession, and a successful barrister was likely to have chambers at his Inn. A basic set included four rooms that could be flexibly arranged, though members might expand their sets to suit their purposes and pockets. [Figure 1.3, Figure 1.4] Residence in the Inns declined dramatically throughout the nineteenth century, from 867 residents in 1801 to 251 in 1881.¹⁵ Residential chambers housed a dwindling population of barristers and law students, a number of clerks, a few tradesmen, some civil servants, and house servants, known as laundresses. Chambers in the Temple provided the fellowship of other single men unrestrained by the tenets of domesticity. Families were not unknown, but residents were overwhelmingly bachelors or widowers. Single women in residence tended to be servants or widows, or their daughters.¹⁶

¹⁴ Geoffrey Tyack, "The rebuilding of the Inns of Court, 1660-1700," in *The Intellectual and Cultural World of the Early Modern Inns of Court*, ed. Jayne Elisabeth Archer, Elizabeth Goldring, and Sara Knight (Manchester: Manchester University Press, 2011), 200-203.

¹⁵ Census of Great Britain, 1851, 1881.

¹⁶ "... the factor which counted most in determining many men to buckle to and devote themselves seriously to the profession was marriage. So long as they remained single they could jog along comfortably, but with the advent of a wife and children they found that the income ... must be supplemented by professional fees." Gilchrist Alexander, "The Modern Outlook at the Bar," *Law Times*, Oct 20, 1950. Census of Great Britain, 1851, 1861, 1871, 1881.

As early as the 1850s, the Inns worried about decreasing rates of rental due to the newly emerging professional practice of sharing chambers amongst several barristers. In 1855, for example, the Inner Temple fixed its rents at 10 percent below market value to make renting them more attractive. The Treasurer explained that the Inn was making less of a profit on sets of business chambers, as barristers found it more “convenient and more economical, for two or three to take a set of Chambers” rather than to each rent their own. Such a strategy may have been necessary for members of a profession whose numbers at mid-century exceeded the demand for practitioners. Significantly, the trend of sharing not only chambers but also secretaries, clerks, and cases grew to become standard practice for barristers by the twentieth century. As Raymond Cocks argues, practicing together presented senior barristers with new means of regulating the conduct of young men, and gave junior barristers greater impetus for seeking the approval of senior members.¹⁷

The Inner Temple also lowered its rents to appeal to members who might otherwise choose to live or work outside the city center. According to the Treasurer, “professional gentlemen” had begun to set up homes or practices in “the neighborhood of London, where the railways take them,” rather than in the City itself.¹⁸ As London expanded in all directions, suburbs afforded the pleasures of country living merely a few miles from the city center. Neighborhoods like Islington to the north, Brixton to the south, and Kensington, Knightsbridge, and Belgravia to the west offered larger houses with modern amenities, a greater degree of privacy, and a pleasant front garden.¹⁹ The benchers had to work hard to make chambers more appealing than a semi-detached house in Chelsea. The Inns also faced a competitive threat in a

¹⁷ Daniel Duman, *The English and Colonial Bars* (London: Croom Helm, 1983), 4. Raymond Cocks, *Foundations of the Modern Bar* (London: Sweet & Maxwell, 1983), 9.

¹⁸ William Whateley, Esq., Q. C., Inner Temple Treasurer, in *Report of the Commissioners Appointed to Inquire Into the Arrangements in the Inns of Court* (London: George Edward Eyre and William Spottiswoode, 1855).

¹⁹ Jerry White, *London in the Nineteenth Century* (London: Jonathan Cape, 2007), 77-90.

new form of housing, the mansion flat. Particularly concentrated in Kensington and Westminster, mansion flats gained prominence in the 1880s and continued to be popular well into the new century, especially among bachelors.²⁰

The Temple's steady decline in inhabitants also came about because of the disastrous state of Temple dwellings at mid-century. In fact, the societies' descriptions of these dilapidated wooden buildings conjured up images closer to the ramshackle housing stock of the city's poor than the homes and offices of the professional elite. In 1854, the Middle Temple Treasurer described the Inns' chambers as in "a very wretched condition," in need of being pulled down and rebuilt. The society's surveyor agreed, particularly for Elm Court, which was "entirely constructed of timber ... of prior date to the Great Fire."²¹ In 1857 the Inner Temple surveyor cautioned that No. 2 Temple Lane was "in a very precarious state," and No. 4 "in a state of great and manifest danger." A person standing in the attic of the latter could "see through various cracks in the wall which [was] bulging outwards many inches."²² Such ruinous housing stock could hardly compete with newly constructed, up-to-date dwellings.

Writing to the benchers, mid-century residents confirmed this bleak picture and chafed at the attendant discomforts of Temple life. In January 1853, Charles H. Station asked the Inner Temple for a reduction in his rent of eighty pounds per annum. "My Chambers are [on] the third floor," he explained, "up a flight of 72 steps consisting of one sitting room and three smaller ones, of which the latter one only is large enough to make an ordinarily convenient bedroom." Other members, he argued, paid lower rents for more commodious chambers. Similarly, in 1857

²⁰ Chris Hamnett and Bill Randolph, *Cities, Housing and Profits* (London: Taylor & Francis, 1988), 17-20. For the British love of semi-detached houses see Leonore Davidoff and Catherine Hall, *Family Fortunes*, 357-397; Sharon Marcus, *Apartment Stories: City and Home in Nineteenth-Century Paris and London* (Berkeley: University of California Press, 1999), 83-134.

²⁰ For a description of public transit, see Jerry White, *London in the Nineteenth Century*, 37-48.

²¹ *Report of the Commissioners Appointed to Inquire Into the Arrangements in the Inns of Court*, 1855. MT MPA Surveyor's Report, 1858.

²² IT BEN May 29, 1857.

Cadogan Morgan explained that “in June 1854 when No 3 Plowden Building became so ruinous and unsafe for habitation” he had removed his “furniture and books ... to a place of safety.” He had not since occupied the chambers, but had paid “more than £800 for the rent of them as well as about £40 for their repair and the fixtures in them.” He asked that the Middle Temple remit at least some of the money. Even fixed at 10 percent below market rate, these men implied, Temple rents were not so low as to offset the inconveniences and indignities brought about by antique housing stock. The Inner Temple benchers informed the unfortunate Station that they did “not feel at liberty to enter into the question,” but the Middle Temple benchers agreed to return Morgan’s most recent quarterly payment.²³

Members also complained of physical discomforts in the common areas of the Inns, decrying the failure of material interventions to ensure the uninterrupted mental labor of the middle-class professional. Barristers concerned themselves, for example, with the insalubrious effects of improper heating and ventilation. In 1855, George W. Hastings claimed that he had suffered a serious illness from a cold caught in the Middle Temple Library, “a cold and draughty room.” This illness hampered his work on antiquities, his purpose for frequenting the library in the first place. Two years earlier the Inner Temple made efforts to increase the temperature of its library from “53° to 60°” by installing hot water pipes.²⁴ Men of learning, members charged, could not carry out their ponderous tasks in rooms that failed to provide for their basic bodily requirements.

Similarly, Victorians increasingly viewed running water as a necessity for maintaining bourgeois respectability, both in terms of bodily hygiene and social status. At the Inns, plumbing, or the lack thereof, was a frequent bone of contention between members and the

²³ IT BEN Jan 25, 1853.

²⁴ *Report of the Commissioners Appointed to Inquire Into the Arrangements in the Inns of Court*, 1885. IT BEN Dec 8, 1853.

benchers. As they renovated buildings, the societies provided washrooms with running water for occupants in common. They often left it to renters, however, to carry the expense of installing plumbing in individual chambers. Members expressed indignation at the societies' indifference to such "a necessity of life." In 1857 Samuel Carter, an irate resident, upbraided the Middle Temple benchers, declaring their refusal to supply him with water "illiberal and unworthy of the proprietors of [such] exorbitantly rented houses." Premises on Fleet Street or the Strand, he asserted, surely had water.²⁵ For Carter and other residents, not only did the societies jeopardize their health and comfort by refusing to install modern conveniences, the Inns did so at a price that could not justify such hardships.

Members further expressed concerns that the Inns' exteriors did not reflect the cleanliness and orderliness of their respectable inhabitants. For decades renters complained of the "barking of Dogs" at the Inns, and eventually the Middle Temple sent a notice to its residents "with a view to preventing any such dogs committing nuisances upon the staircases." As Patrick Joyce argues, the undisciplined dog was audible, and in this case olfactory, evidence of its undisciplined owner. Other members voiced annoyance with the unsatisfactory state of the societies' roads. Multiple writers noted "the want of a carriage road" directly in front of their buildings, forcing them to brave "more than 70 yards" of mud and rain. In 1854, a group of eight Inner Templars petitioned the society regarding the "noise of the carriages over the paving stones" and asked the Inn to replace the cobbles with a flat surface. Five years later another Inner Templar griped that "smooth pavements tempt little Boys to come in and play at marbles," and asked that the smooth stones be replaced with gravel.²⁶ Roads were meant to be a means of unfettered movement through the city. Lack of roads, noisy roads, or roads congested with street

²⁵ MT MPA July 10, 1857.

²⁶ IT BEN Dec 8, 1854. IT BEN Jan 13, 1859.

children all hampered the free circulation of the bourgeois subject, failing to meet the ideals of the liberal city.

Furthermore, not only faulty buildings and infrastructure, but also the workmen and servants responsible for their maintenance and care, disordered and destabilized life in the Temple. The Inns relied on warders and porters, for example, to keep the pavements clean, stop servants from emptying “slops & sinks in corners,” and prevent other “persons from loitering.” Yet the societies frequently cautioned or dismissed the men they employed in these positions for failing to execute their tasks properly.²⁷ Furthermore, though occupants of chambers emphasized the Inns as an all-male world, in reality their comfort depended on female labor, as did the majority of middle-class Victorian households. The societies employed any number of male servants—butlers, warders, gardeners, footmen—but it was the charwomen known as laundresses who performed occupants’ most intimate services. These women entered chambers to light fires, cook breakfasts, and clean hearths. An 1851 *Punch* article by “A (Too) Late Barrister” complained of his laundress stealing his butter and candles and blaming “the enormous appetite of some apocryphal rats.”²⁸ In the 1870s, Hannah Cullwick, a maid-of-all-work elsewhere in London, described Temple laundresses as “particularly low” even among servants, for only the poorest drudges would willingly live and work “among so many single gentlemen.”²⁹ Cullwick may have derided Temple laundresses in order to distinguish herself as superior and to justify her romantic relationship with barrister Arthur Munby. Her words, however, as well as those in *Punch*, highlight the paradox of Victorian bourgeois households: working-class women, whose bodies were inscribed with dirt, disorder, and disreputability, were

²⁷ MT8 SRV Staff Records 1870-1911, MT8 SRV Staff Records 1886-1952.

²⁸ “Notes from the Diary of a (Too) Late Barrister,” *Punch*, Apr 5, 1851.

²⁹ Hannah Cullwick, *Diaries of Hannah Cullwick*, ed. Liz Stanley (London: Virago, 1984), 268.

absolutely essential for maintaining the clean, orderly, and decorous middle-class domicile.³⁰

Populated by bachelors, chambers only exacerbated the tension between the female servant and the respectable home in which she was employed.

Aware that their buildings were both insalubrious and unappealing to tenants, the societies undertook a great number of renovations and expansions between the 1850s and 1890s. In 1857, the Middle Temple began plans for a new library on the western bounds of their property.³¹ Tom Taylor penned the 1859 poem “Ten, Crown Office Row” as a farewell to that building, anticipating the erection of “statelier chambers,” with “airy bed-rooms” and “wider panes” than the “narrow and dark” rooms he had inhabited.³² In 1870, the Inner Temple completely gutted and renovated its hall. It extended its library in 1880, and rebuilt Hare Court in 1892, to name but a few improvements.

The Victorian societies laid great stress on fitting their new buildings with modern amenities. In an 1861 contract to renovate the Middle Temple’s Church Yard Court, the Lucas Brothers Builders agreed to “fit up the several water closets ...with 1 inch Honduras Mahogany seat[s] French polished... The front and seat to be made to lift so as to get at the apparatuses with ease.”³³ When the Inner Temple replaced its 1678 hall with a neo-gothic building in 1870, the society ensured that the structure was fitted with lavatories, gaslight, hot water heating, and the “latest modern appliances” in the kitchen.³⁴ The cost of modern amenities marked wealth and status for the societies and their members, and materials like mahogany represented the luxury of

³⁰ Leonore Davidoff and Catherine Hall, *Family Fortunes*, 388-396. Leonore Davidoff, “Class and Gender in Victorian England,” *Feminist Studies* (1979). Eve M. Lynch, “Out of Place: The Masquerade of Servitude in Victorian Literature,” *Pacific Coast Philology* 31 (1996). Anne McClintock, *Imperial Leather* (Hoboken: Taylor and Francis, 2013). Barry Reay, *Watching Hannah* (London: Reaktion, 2002).

³¹ MT MPA Jan 14, 1857, Apr 30, 1858.

³² “Ten, Crown Office Row. A Templar’s Tribute,” *Punch*, Feb 26, 1859.

³³ MT6 RBW, Agreement between Charles Thomas Lucas and Thomas Lucas and Thomas Henry Dakyns, Under Treasurer, 1861.

³⁴ “New Hall of the Inner Temple,” *Illustrated London News*, Feb 12, 1870.

exotic imports. Equally important, these features rationalized the bourgeois interior, allowing for the greater subdivision of spaces according to their function and the removal or rapid elimination of waste and dirt from the body and the home.³⁵

At the same time, the Victorian societies deliberately chose architectural forms that would reflect the grandeur of the Temple past and the importance of the Inns. The medieval and Elizabethan eras had been high points for the Temple, and the societies embraced historicist architectural styles that emphasized these moments. In 1842, for example, the benchers of both societies collaborated to restore the Temple Church to a medieval appearance. [Figure 1.5, Figure 1.6] Originally constructed in the twelfth century, the societies had remodeled the church in 1682 to conform to the hybrid classical and baroque style (or English Baroque) characteristic of Sir Christopher Wren, the royal architect.³⁶ The Victorian benchers rejected the English Baroque in favor of the Gothic Revival, which rose to prominence for the construction of churches in the nineteenth century as it emphasized the long tradition and history of Christianity.³⁷ In an attempt to realize a perfect medieval ideal, Sydney Smirke, the project's architect, mercilessly removed all traces of Wren from the church.³⁸ Smirke laid a solid-colored floor and installed new stained glass windows. He commissioned the colorful painting of the walls and ceiling.³⁹ Covered in bright images of the gospels and elaborate scrollwork, they stood in sharp contrast to the formerly imageless and muted walls. The renovation received glowing praise from the press, which extolled the church's "pristine beauty," its "mystic and quaint

³⁵ Leonore Davidoff and Catherine Hall, *Family Fortunes*, 382-3. Judith Flanders, *Inside the Victorian Home* (New York: Norton, 2003), 324-340.

³⁶ Anthony Sutcliffe, *London: An Architectural History* (New Haven: Yale University Press, 2006), 36.

³⁷ The style also achieved secular popularity for similar reasons. For example, in reconstructing the Palace of Westminster, it was decided that the gothic or Elizabethan style should be used as it "expressed the strength of a great democratic and national tradition going back to medieval times...." Anthony Sutcliffe, *London*, 101, 106.

³⁸ W. R. H. Essex and S. Smirke, *Illustrations of the Architectural Ornaments and Embellishments and Painted Glass of the Temple Church, London, with an Account of the Recent Restoration of the Church*, (London: 1845), as quoted in Gerard Noel, *A Portrait of the Inner Temple* (Norwich: Michael Russell Publishing Ltd, 2002), 81.

³⁹ Karl Baedeker, *London and Its Environs: Handbook for Travellers* (Leipzig: Karl Baedeker, Publisher, 1911), 86.

devices.” Newspapers wasted no ink mourning the former Wren fittings, instead devoting paragraphs to the restoration’s colors, paintings, and stained glass. The Temple, papers contended, had done “all lovers of antiquity” a great service in restoring the church to an ancient appearance “unparalleled in modern days.”⁴⁰

The Victorian Templars also bid an indifferent adieu to another piece of Wren architecture, Temple Bar. Arching across the intersection of Fleet Street and the Strand, Temple Bar did not actually belong to the Inns of Court; rather it marked the boundary between the authority of the City of Westminster and that of the City of London. It had also, in the seventeenth and eighteenth centuries, displayed the severed heads of traitors on iron spikes. Temple Bar was thus a symbol of the continued independence of the Corporation of the City of London and “the City Golgotha,” a reminder of darkly barbaric rituals in the British past. Worse, it was a blockage to free movement between London’s eastern and western limits, a “leaden-headed old obstruction.”⁴¹ As Lynda Nead details, the attempt to dismantle Temple Bar represented the Corporation of London’s struggle against metropolitan unification. Calls to remove Temple Bar in the 1860s were met with prolonged resistance from Guildhall. The City capitulated in 1876 only because the structure’s rotting masonry threatened to come down unbidden during the construction of the new Royal Courts of Justice.⁴² Neither the benchers nor the *Law Times* expressed remorse at Temple Bar’s dismantling. In fact, other than the hope of contracting for a bridge and subway to connect the Temple to the new courts at the former site of Temple Bar, the societies said next to nothing about the monument’s destruction.⁴³ The Inns maintained a contentious relationship with the City of London and were not likely to mourn the

⁴⁰ “The Temple Church,” *Morning Chronicle*, Nov 21, 1842. “The Temple Church,” *Illustrated London News*, Nov 5, 1842. “The Temple Church,” *Ipswich Journal*, Oct 29, 1842.

⁴¹ Charles Dickens, *Bleak House* (London: Bradbury & Evans, 1853), 2.

⁴² Lynda Nead, *Victorian Babylon*, 208.

⁴³ MT MPA Nov 6, 1865, Nov 11, 1881, May 12, 1882, June 9, 1882, Aug 15, 1882.

loss of a symbol of its power. They might have even welcomed the removal of a barrier between themselves and Westminster, home to Parliament and the courts of law, or the increased facility of frequenting the pleasures of the West End.

Legal Sociability

For the inhabitants of this world of brown brick facades and colorfully painted ceilings, rotting wooden floors and mahogany toilet seats, what did day-to-day life look like? One young barrister, Gilchrist Alexander, shared residential chambers in Plowden Buildings with his flatmate Jimmy Gray. Workday mornings Alexander woke early, but not before Mrs. A., his laundress, lit his fire and cooked his breakfast. Once he and Gray began their meal Mrs. A departed, returning later to wash up and clean their rooms. After breakfast Alexander dressed in dark clothes and stiff white shirt topped with a silk hat. He then cut across the Temple to his set of business chambers at 10, Kings Bench Walk. Recently called to the bar and lacking cases of his own, Alexander prepared briefs for his former teacher, the successful barrister Willes Chitty. He gave finished notes to Arthur Smith, his amiable junior clerk, who carried them to Chitty's chambers at the top of the street. At the end of the workday Alexander headed for the common room, where he could find friends smoking cigars, chatting, or reading newspapers. They indulged in a game of bowls or lawn tennis in fine weather, a game of chess in foul. Hunger getting the better of them, eventually the party sallied forth to one of the taverns on Fleet Street for dinner, then retired to somebody's chambers to drink and smoke before heading off to bed.⁴⁴

Alexander's life as a young barrister in the Temple revolved around his links to other men in the profession—his flatmate, his mentor, his clerk, his friends—relationships deliberately cultivated by the Inns of Court. In essence professional societies, the purpose of the mid-

⁴⁴ Gilchrist Alexander, *Middle Temple to the South Seas* (London: John Murray, 1927), *The Temple of the Nineties* (London: William Hodge & Company, 1938), *After Court Hours* (London: Butterworth & Co, 1950).

Victorian Inns was not to instruct students in the technicalities of law nor to hone essential legal skills like oratory, but to instill in students the values and attitudes appropriate to British barristers.⁴⁵ The Inns promoted these attitudes through a culture of fraternity, encouraging members to take part in dining rituals, socialization in common spaces, and volunteer drill corps. The Inns epitomized a “homosocial” culture of affective same-sex bonds. An expansive term coined by Eve Sedgwick, homosocial leaves room for erotic desire in male-male relationships but does not necessarily assert claims of homosexuality.⁴⁶ Historians have deployed Sedgwick’s concept of the homosocial to analyze a variety of same-sex social interactions and institutions, such as public schools and universities, sports teams, and gentlemen’s clubs.⁴⁷ These fraternal worlds and activities would have been familiar to many members of the Inns. In fact, the Temple would have been one of many homosocial spaces inhabited by barristers, perhaps an alternate form of clubland or a continuation of school sociability. Gilchrist Alexander, for example, sometimes dined in hall or relaxed in chambers with his chum John Buchan, whom he first met as a student at Glasgow University. Friends Arthur Munby and William Ralston knew each other from their time at Trinity College, Cambridge, the same college that a full quarter of the Inns’ Oxbridge members had attended.⁴⁸

A variety of activities forged homosocial relationships at the Inns— informal common room chats, chess, lawn tennis, the debating and musical societies—but members without a doubt placed the greatest weight on dining in hall. In the mid-nineteenth century, the only requirement for students to be called to the bar was to “keep term” by dining in the societies’

⁴⁵ Daniel Duman, *The English and Colonial Bars*. Raymond Cocks, *Foundations of the Modern Bar*.

⁴⁶ Eve Sedgwick, *Between Men*.

⁴⁷ Paul Deslandes, *Oxbridge Men*. Elaine Showalter, *Sexual Anarchy* (New York: Viking, 1990). Amy Milne-Smith, *London Clubland* (New York: Palgrave Macmillan, 2011).

⁴⁸ Daniel Duman, *English and Colonial Bars*, 24. Gilchrist Alexander, *After Court Hours*, 65. Arthur Munby, *Munby, Man of Two Worlds*, ed. Derek Hudson (Boston: Gambit, 1972), 10.

halls at least three times each quarter. For some social commentators, this practice was a source of derision. In 1862, Henry Mayhew and John Binny wryly wrote, “the lawyerlings ‘qualify’ for the bar by eating so many dinners, and become at length—gastronomically—learned in the law.”⁴⁹ Mid-Victorian barristers, however, defended the dining requirement on professional grounds. Some of the highest-ranking members of the bar, including the Vice-Chancellor, insisted that “dining together not unfrequently [sic.] in Hall” gave students the “considerable advantage” of “social intercourse.” Such opportunities were all the more important, he contended, given that “Members of the Inns of Court have ... ceased to reside in their precincts or vicinity.”⁵⁰ Dining in commons, legal luminaries argued, allowed students and young barristers to connect with older and more established members of the profession, even if those members had taken residence in some of London’s new suburbs.

Other barristers maintained that commons functioned as a conversational space for students to reinforce what they had learned from their law books and tutors. William Lloyd Birkbeck, the 1854 Reader on Equity, explained, “it is impossible to fix a subject of such extent as Law upon [students’] memory without that sort of repetition which is induced by conversation.” The Middle Temple Treasurer likewise emphasized the importance of association for learning “professional conduct.”⁵¹ In encouraging conversations about law and professional practice, the Inns of Court significantly differed from counterparts like the gentlemen’s clubs of the West End. Membership at the Inns of Court overlapped with that of London clubland, but clubs strictly removed professional life from fraternization. Whereas clubs

⁴⁹ Henry Mayhew and John Binny, *The Criminal Prisons of London and Scenes of London Life* (London: Griffin, Bohn and Co., 1862), 72.

⁵⁰ *Report of the Commissioners Appointed to Inquiry into the Arrangements in the Inns of Court*, 1855.

⁵¹ *Report of the Commissioners Appointed to Inquiry into the Arrangements in the Inns of Court*, 1855.

prohibited all talk of “business,” Temple socialization—by design—forged professional solidarity.⁵²

Sociability at the Inns also became a popular trope in mid-Victorian literature, particularly because London literati who resided in the Temple at the start of their careers incorporated the Inns into their work. In poetry and prose fiction, authors like Tom Taylor and William Makepeace Thackeray transformed drafty chambers into romantic backdrops for warm friendship. In an 1859 poem that first appeared in *Punch*, Tom Taylor described Inner Temple chambers (based on those he had shared with William Makepeace Thackeray) as “musty ...grimy, dull, and grim.” Likewise Thackeray, in his own contribution to *Punch*, characterized chamber furnishings as “cheap treasures.” Yet in detailing the “old armour, prints, pictures, pipes, china (all crack’d)” of a semi-fictitious Temple household, rather than a bleak picture, Thackeray portrayed a room full of the curiosities and fantastic objects characteristic of a middle-class home, albeit in somewhat deteriorated condition.⁵³ Thackeray’s chambers thus exemplified Victorian bachelor domesticity, which selectively borrowed from conventional domestic ideologies to create an unrefined but nevertheless recognizable version of the bourgeois interior.⁵⁴ This homey, unpretentious setting fostered male affect. The narrator in Taylor’s poem recalled “merry Sunday breakfasts” with his roommate, with whom he “chummed years without a single fight.”⁵⁵ Similarly, in Thackeray’s 1848-1850 *Pendennis*, fictional roommates Pen and Warrington lived “almost as much in common as the Knights of the Temple, riding upon one horse” in their shared chambers in Lamb Building.⁵⁶

⁵² Amy Milne-Smith, *London Clubland*, 13.

⁵³ Deborah Cohen, *Household Gods* (New Haven: Yale University Press, 2006), 13, 89, 122.

⁵⁴ Katherine V. Snyder, *Bachelors, Manhood, and the Novel, 1850-1925*, 35.

⁵⁵ “Ten, Crown Office Row. A Templar’s Tribute,” *Punch*, Feb 26, 1859. “Love Songs by the Fat Contributor,” *Punch*, Mar 27, 1847.

⁵⁶ Here Thackeray referenced the medieval seal of the Knights Templar, in which two knights shared the same mount. Pen’s friendship with Warrington developed after a series of personal and pecuniary failures for the former.

Even more numerous and complex portraits of the Inns, however, appeared in the many works of Charles Dickens. Dickens invoked the age, mystery, and seclusion of the Temple to create a *mise-en-scène* at once reassuring and dangerous. On the one hand, for Dickens the Temple's "clerkly monkish atmosphere" could be a comfort and a buttress against the outside world. In *Great Expectations*, after an anxious encounter with the convict Provis, Pip returned to his shared chambers in Garden Court, declaring of his roommate, "Herbert received me with open arms, and I had never felt before so blessedly what it is to have a friend." Yet life in the opiate Temple was not entirely pleasurable. Pip described the Temple overall as "lonely," disconnected from the rest of the city and exposed as it was to the river and the rain. In *Bleak House*, the secretive Mr. Tulkinghorn pondered over "that one bachelor friend of his," who one day conceived "an impression that [his life] was too monotonous ... and walked leisurely home to the Temple, and hanged himself." *Martin Chuzzlewit*'s Tom found the Temple to have a "haunted air," even though dust "was the only thing in the place that had any motion about it." For Dickens, the species native to this decrepit Temple was "the shabby-genteel" resident, a figure dressed in formerly smart attire now worn and threadbare. *Sketches by Boz* traced the gradual decay of one such man, as one by one the buttons disappeared from his waistcoat, then his coat, until "the man himself disappeared, and we thought he was dead."⁵⁷

Novels such as Dickens's *Our Mutual Friend* and Mary Elizabeth Braddon's *Lady Audley's Secret* also imbued intimate Temple friendships with potentially homoerotic dimensions. Serialized between 1862 and 1865, both of these sensation novels featured bachelor

Resolved to reform his spendthrift ways, Pen accepted Warrington's help and began earning a living as a journalist. William Makepeace Thackeray, *The History of Pendennis* (New York: Start Publishing, 2013), 1017.

⁵⁷ Regardless of the date of their publication, Dickens's novels seem to be set prior to Temple renovations, as the narrator makes clear in *Great Expectations*. Charles Dickens, *Great Expectations* (Oxford: Clarendon Press, 1993), 340, 311. *Bleak House*, 216. *Martin Chuzzlewit* (London: Oxford University Press, 1966), 612. *Sketches by Boz Illustrative of Every-Day Life and Every-Day People* (Philadelphia: Getz, Buck & Co., 1852), 142.

barristers in residence at the Temple, unenthusiastic about beginning their careers. They were wasters, and as Sedgwick notes, “waste and wastage” were clear Victorian markers of a homosexual “type.”⁵⁸ More languid than profligate, the protagonists nevertheless clearly squandered their time, familial resources, and education. Braddon’s Robert Audley idled his hours away smoking and reading, until he chanced upon George Talboys, an old Eton friend. To his own surprise, Talboys’s suspicious disappearance motivated Audley to spend his days sleuthing after the culprit rather than in repose at the Temple. “To think,” Audley reflected, after a long day obsessing over Talboys, “that it is possible to care so much for a fellow!”⁵⁹ In *Our Mutual Friend*, the barrister Eugene Wrayburn passed his days with Mortimer Lightwood, his close friend and an equally unemployed solicitor. One quiet evening in Temple chambers, the pair fantasized about life together in a deserted lighthouse, cut off from the rest of the world.⁶⁰ The two men later joked about their musing, but their laughter did not dispel or undermine the fact that they had vocalized a romance of running away together, a fantasy usually reserved for heterosexual partners.

In actuality members of the Inns also engaged in a limited variety of heterosocial interactions. As Amy Milne-Smith argues of London’s clubland, clubs were not attempts to completely avoid the company of women, but rather to maintain discreet sites of single-sex and mixed-sex interactions and to engage in heterosocial interaction in regulated ways.⁶¹ Similarly, at the Inns of Court certain spaces were inviolably male and others acceptable sites for heterosociability. During events in the hall, for example, the societies relegated benchers’ wives and other lady onlookers to the minstrels gallery, with a handful of royal exceptions. Women

⁵⁸ Eve Sedgwick, *Between Men*, 174-5.

⁵⁹ Mary Elizabeth Braddon, *Lady Audley’s Secret*, (Peterborough, ON: Broadview Press, 2003), 71, 123.

⁶⁰ Charles Dickens, *Our Mutual Friend*, (Oxford: Oxford World Classics, 2008), 145-147.

⁶¹ Amy Milne-Smith, *London Clubland*, 10-11.

and children frequently strolled in the Inns' courts and gardens, however, and couples were free to do as they liked in members' chambers. Beyond the bounds of the Temple, Victorian members began to enjoy women's company in many of the new urban entertainments of the West End. For example, in 1863 Temple resident Arthur Munby and his friend Walter Severn went dancing in Soho at "one of the few public dancing rooms in London... frequented by respectable women and *not* prostitutes."⁶²

Had Munby and Severn gone looking for unrespectable young women, however, they would not have had to search very far. The Temple was ideally located for accessing London's sex trade. Particularly in the mid-nineteenth century, Fleet Street and the Strand catered to men's pleasures, hosting the cigar divans and brothels that were the center of prostitution. The connection between prostitution and the Strand was regularly touted in the sporting press, such as in an 1860 account of "a showily-dressed prostitute, named Susan Williams" who attempted to steal a gentleman's watch in front of an oyster shop in the Strand.⁶³ A prostitute interviewed by Henry Mayhew in 1862 described the Inns of Court as infamous among prostitutes as "...the ruin of many a girl." Lawyers were known both for dollymopping (soliciting young women who had not previously sold themselves) and bilking (cheating women out of their money). Mayhew's interviewee continued, "There isn't a good woman in London who'd go with a man to the Temple, not one. You go to Kate's, and take a woman out, put her in a cab, and say you were going to take her to either of the Temples... and she'd cry off directly."⁶⁴ The interviewee expressed similar sentiments as Hannah Cullwick had regarding Temple laundresses: respectable women did not stand to be respectable for very long in such a male-dominated space.

⁶² Arthur Munby, *Man of Two Worlds*, 155-7.

⁶³ "Latest Intelligence," *Bell's Life in London and Sporting Chronicle*, Oct 14, 1860.

⁶⁴ Henry Mayhew, *London Labour and the London Poor* (London: Griffin, Bohn, and Company, 1862), ed. Lee Jackson in *The Victorian Dictionary*, <http://www.victorianlondon.org/> (accessed March 26, 2009).

Regardless of opportunities for heterosocial interactions, many members still privileged fraternal socialization and leisure, especially one great source of pride: joining and drilling with the Inns of Court Volunteer Rifle Corps (ICRV), or the “Devil’s Own.” According to a recruiting pamphlet, the corps had first been formed in 1584 to fight at Tilbury—a suspiciously grand beginning—and over the centuries had traditionally disbanded and reassembled as necessary.⁶⁵ The Victorian corps re-formed in 1859 as part of the then-popular Volunteer Movement, and remained in existence until its transformation into an Officers’ Training Corps early in the First World War.⁶⁶ Less than a year after its re-formation, the Inns of Court Volunteer Rifle Corps had upwards of 260 members.⁶⁷ Featuring patriotic displays of robust masculinity, participation in the corps signaled the vitality of both its members and the nation. The societies supported the corps, allowing them to drill in the gardens and to dine later than usual in hall on the days of marches. They hung Devil’s Own banners from the reign of George III, preserved in the Inner Temple archive, in the Inner and Middle Temple Halls in alternating years. The Inns sponsored cups for shooting matches, and hosted the corps’ balls and events.

While many other volunteer corps hoped to improve class relations and elevate working class members, the Inns of Court Volunteers held no such pretenses. The Devil’s Own remained one of the wealthiest and most exclusive units in the Movement.⁶⁸ Members of the corps recalled with fondness the oddity of a military group composed entirely of barristers and law students, figures associated with mental rather than physical labor. Colonel Errington, the

⁶⁵ The nickname “Devil’s Own” purportedly came from George III. “As they marched past at a review the king asked of what class that fine body of men was composed. ‘Lawyers,’ said Lord Erskine. ‘Lawyers, all of them?’ asked the king. ‘Yes, your majesty,’ Lord Erskine replied. ‘Then,’ said the king, ‘call them the Devil’s Own.’” “The Inns of Court Volunteers,” *Law Journal*, Dec 14, 1895. LMA, “INNS OF COURT OFFICERS TRAINING CORPS,” undated, likely 1915.

⁶⁶ John Cordy Jeaffreson, “A Book about Lawyers,” *London Quarterly Review* Vol. 28 (Apr and Jul 1867). LMA, Notes from Colonel Errington’s Anecdote Book, 1928/9.

⁶⁷ “The Volunteers,” *Bell’s Life in London and Sporting Chronicle*, May 13, 1860.

⁶⁸ Hugh Cunningham, *The Volunteer Force* (Hamden: Archon Books, 1975), 5-15. Ian F. W. Beckett, *Riflemen Form* (Barnsley: Pen & Sword Books, 1982), 60.

Commander of E Company, described summer training as a “somewhat dilettante affair.” W. Valentine Ball, King’s Remembrancer, recalled, “One delightful man ... once appeared [at inspection] at the last moment with evening shoes on his feet, his shoulder straps hanging down his back, and his overcoat hung on his arm!” In Ball’s account, evening attire represented both wealth and frivolity, characteristics equally out of place in the field. Despite the gulf between barristers’ professional and social obligations and their voluntary activities, however, memoirists insisted that the Inns of Court Rifle Volunteers earned the respect of army officers, even if they were “d...d lawyers.”⁶⁹

Drilling with the corps, “a delightful brotherhood within the brotherhood of lawyers,” reimagined Temple fraternity as solidified by common physical exertion beyond the boundaries of the Inns.⁷⁰ Though the Volunteers sometimes drilled in the Temple Gardens, they most frequently gathered at the Deer Park in Richmond, far beyond London’s bounds. William Grantham recorded frequent shooting practices with friends there, and noted seeing “several fellows of my Company” at the Epsom Derby. Lord Justice Paul Ogden Lawrence, then a young man at the bar, recalled rowing away from camp with a friend or two to fish and drink beer. Drill could also be an important place to make connections with more advanced members of the profession, especially as “distinctions of ranks were not observed.” Lawrence fondly recalled a lunch with the corps, “I remember being frightfully thrilled that a Lord Justice ... should be handing me (a young law student) potatoes.” Equally important for promoting this fraternal atmosphere was time spent roughing it in the outdoors. Grantham described a “splendid day” as one in which he had to “skirmish through a forest of juniper bushes” and ended up “covered with

⁶⁹ LMA, Notes from Colonel Errington’s Anecdote Book, 1928/9. “Memories of the ‘Devil’s Own’ by W. Valentine Ball O.B.E.”

⁷⁰ For the growing emphasis on a more robust masculinity, see Paul Deslandes, *Oxbridge Men*, Brent Shannon, *The Cut of His Coat* (Athens: Ohio University Press, 2006).

mud if not with glory.” Errington recalled eighteen or twenty mile marches, and “sleeping in barns or other uncomfortable places.” Yet almost every diarist or memoirist recorded singing together in the evening, noting favorite songs or vocalists.⁷¹

Beyond sociability, part of the appeal of joining the Devil’s Own was deeply related to the rituals and pageantry of high-Victorian monarchy and empire. After all, most barristers generally occupied the professional class that most fervently supported the imperial project. Even diarists who kept the most minimal entries noted being measured for uniforms. Sir Frank Douglas MacKinnon, a High Court Judge, recalled an Inspecting Officer from the War Office who noted the quality of the brigade’s boots. In 1860, William Grantham, then a first-year student at the Inner Temple, penned one of his longest diary entries—nine sentences—to detail the events of the Grand Volunteer Review and Parade. After a “capital lunch” given by the Middle Temple benchers, the 500 members of the corps marched to Hyde Park. There they “had good view of Queen. P. Albert. D. of Cambridge. K. of Belgians &c. &c. &c.” The event, which he estimated as having between 200 and 300,000 spectators, was “all over at 6.15 when Queen left after a hearty cheer which had wonderful effect from between 20 & 30,000 Volunteers.”⁷² According to David Cannadine, such rituals generated popular support for the queen and helped imperial cohesion by creating a sense of inclusion in the empire.⁷³ The Inns of Court Rifle Corps, however, did not permit students from India or the dominions to join the Devil’s Own.⁷⁴

⁷¹ LMA, “Memories of the ‘Devil’s Own’ by W. Valentine Ball O.B.E.” 1859-1864 Extracts from the diary of W. W. Grantham, later Mr. Justice Grantham. Extracts from the Diaries of Sir Paul O. Lawrence, 1878-1882.

⁷² LMA, “The Devil’s Own by F. D. Mackinnon.” 1859-1864 Extracts from the diary of W. W. Grantham, later Mr. Justice Grantham. 1900-1901 Scrapbooks, compiled by Pte L. Green Wilkinson or Pte R Wason who served with the Inns of Court Cyclist Section.

⁷³ David Cannadine, “The Context, Performance and Meaning of Ritual: The British Monarchy and the ‘Invention of Tradition,’ c. 1820-1977,” in *The Invention of Tradition*, ed. Eric Hobsbawm and Terrence Ranger (Cambridge: Cambridge University Press, 1983), 101-164. David Cannadine, *Ornamentalism* (London: Allen Lane, 2001).

⁷⁴ IT BEN Mar 2, 1897. MT MPA Jan 22, 1897.

The corps was not intended to promote imperial cohesion, but rather to underscore the Inns as institutions distinctly and importantly English.

In fact, the corps was just one of several means by which the Inns articulated their relationship to the royal family. On the surface, that relationship was one of deference to the crown by the societies. After all, the monarch issued the letters patent promoting barristers to Queen's Counsel and selected judicial appointments. Members of the Volunteer Rifle Corps eagerly paraded in front of the queen in a show of fervent support. Similarly, the societies asked men from the royal family to be honorary benchers, a tradition in practice since at least the early seventeenth century. In 1870, for example, the Inner Temple appointed Prince Christian of Schleswig Holstein, cousin to Victoria, an honorary bencher at the grand opening of the society's hall. The Treasurer, Percival Andree Pickering, Q.C., then delivered a dedicatory address, later printed in its entirety, to the Princess Louise. Pickering noted that since the time of Edward III (1327-1377), members of the society had been noted for their "devoted loyalty and attachment to the Throne." He implored the continuance of the queen's favor, "which will, at the same time be our boast and our reward."⁷⁵

Yet the above address subtly articulated a more complex relationship between the Inns of Court and the throne, whereby the Inns asserted their own powerful position in British governance. Members of the societies frequently characterized the Inns as the "home of the common law." Victorian constitutional theorists such as A. V. Dicey and Walter Bagehot argued that the strength of the British constitution had resulted in a tradition of liberty whose apotheosis was parliamentary sovereignty. Bagehot held that the monarch was merely an important "disguise" for parliamentary authority, inspiring a religious-like reverence in the masses useful

⁷⁵ Harvard Law School Library, "An Account of the Ceremony Opening Of the New Hall of the Inner Temple," May 18, 1870.

for stifling rebellion.⁷⁶ For Dicey and Bagehot, the queen held little authority of her own, and she owed her position to the constitution. As the “home of the common law,” the Inns understood themselves to be guardians and upholders of that constitution. In his 1870 speech, the Treasurer followed his declaration of support for the throne by stating, “It is ... only by a faithful performance of the trust reposed in us, and by our ... endeavor to uphold the independence and dignity of the Bar of England, [that] we can ... give to the Throne its best and its firmest support.” Pickering reminded the princess, and thereby the queen, that as interpreters of the common law, the Inns of Court were responsible for upholding the monarch and not the other way around.

**Looking Back to the Mid-Victorian Temple, or
“Alas! The old days and the old ways are doomed!”⁷⁷**

When the second Boer War began in 1899, a handful of members from the Devil’s Own joined the City Imperial Volunteers and shipped out to South Africa. Largely recruited to the cyclist section and less than fifty in number, these men experienced little action and few casualties. Nevertheless, newspaper contributors and memoirists marked the fact that the ICRV should be fighting in a war at all as a significant departure from the past.⁷⁸ Fifteen years later, hundreds of members of the Inns volunteered or were drafted into the war effort. Almost all of “the young barristers,” explained memoirist Stephen Coleridge, “voluntarily joined the fighting forces” and “vacat[ed] their chambers.” Coleridge lamented the Temple’s “temporary loss of character” brought about by the “intrusion of a crowd of tenants having no connexion with the law, nor any personal distinction.” Coleridge also noted disturbances to the material Temple.

⁷⁶ Walter Bagehot, “The English Constitution,” in *The Works and Life of Walter Bagehot*, ed. Mrs. Russell Barrington (London: Longmans, Green, and Co, 1915), 197.

⁷⁷ *A Chance Medley Extracts from “Silk and Stuff” (Pall Mall Gazette)* (London: Constable & Company LTD., 1911), 142.

⁷⁸ LMA 1900-1901 Scrapbooks of Inns of Court Cyclist Section.

The Royal Navy Volunteer Reserve drilled in the gardens, “the quick word of command startl[ing] the sleeping buildings as it echoed from wall to wall.” A gun was mounted to the Victoria Embankment to fire at raiding German planes, further disrupting the still hush of the Inns. At the end of the war, Coleridge was much relieved to find “the reverend buildings [returned] to their proper and dignified purposes.”⁷⁹ For Coleridge and other members of the societies, the Inns successfully resisted the dramatic changes wrought by the war on almost every other aspect of British life, making them a mainstay of continuity with the past.

The emotional resistance to change evident in Coleridge’s memoir likewise informed much of the literary output of the twentieth-century Inns, as members published works devoted to the societies steeped with nostalgia for the fusty Victorian Temple celebrated by Dickens and others. These works began to appear as early as the 1890s, but they were published with increasing frequency after the First World War. Authors most often categorized their works as histories of the Inns, though in reality the books spanned genres, incorporating aspects of antiquarianism, memoir, and topographic guidebook. Like London tourist guides, Temple histories highlighted landmarks, legends, and literary references of interest to visitors, but they fused this content with authors’ memories of the pre-war Temple, musings on the present-day societies, and short pieces of fiction. Unpreoccupied by accuracy or authenticity, the works connected the Inns to eminent political, literary, and artistic moments and figures in Britain’s past to claim prestige for the societies. They emphasized references and practices that figured the Inns as homosocial preserves.

Late-nineteenth- and early twentieth-century histories by members of the Inns invoked romanticized images of serenity and decay from mid-Victorian literary depictions of the Temple and its environs. Authors regularly quoted roommates William Makepeace Thackeray’s “The

⁷⁹ Stephen Coleridge, *Quiet Hours in the Temple* (London: Mills & Boon Limited, 1924), 101-102.

Cane-Bottomed Chair” and Tom Taylor’s “Ten Crown Office Row” to imagine a Temple inhabited by impoverished, literary bohemians. Despite the dingy state of the chambers in both poems, the authors fondly cast the residences as homey refuges of male friendship. An even greater number of Temple histories referred to Charles Dickens’s description of Fountain Court in *Martin Chuzzlewit*, “Merrily the Fountain leaped and danced.”⁸⁰ Such animated language lent the Temple a warm and spirited atmosphere. Significantly, authors omitted Dickens’s more ambivalent references to the Temple in his other works, even those within *Martin Chuzzlewit*. Authors also ignored the quote’s context. The motion of the fountain echoed John Westlock’s excitement at encountering his future bride, representing the thrill of heterosexual courtship. By refusing to situate the passage in the broader story, Temple histories capitalized on the cultural cachet of Dickens’s London without sacrificing the image of the Inns as a homosocial stronghold.

These same Temple histories ignored the modern amenities added to the Inns and conflated Victorian historicist renovations with surviving medieval and Elizabethan architecture. In his 1914 *The Temple*, Hugh Bellot imaginatively positioned the restored church as a backdrop for recounting mysterious medieval legends and secrets.⁸¹ Similarly, interwar Temple histories obsessed over the Inns’ Elizabethan moment, a period marked by monarchical favor, the high point of legal instruction, and a resident population of fashionable gentlemen dilettantes.⁸² The Elizabethan period tied the Inns to legends, events, and figures that formed part of a British

⁸⁰ Stephen Coleridge, *Quiet Hours in the Temple*, 17. C. P. Hawkes, *Chambers in the Temple*, (London: Methuen & Co., 1930), 4. Marjorie Bowen, *The Story of the Temple and Its Associations* (London: Griffin Press, 1928). Colonel Robert J Blackham, *Wig and Gown The Story of the Temple Gray’s and Lincoln’s Inn* (London: Low, Marston, 1932). Hyacinthe Ringrose, *The Inns of Court. An Historical Description of the Inns of Court and Chancery of England* (Oxford: R. L. Williams, 1909). W. J. Loftie, *The Inns of Court and Chancery* (Curdrige: Ashford Press Pub., 1893). W. Marshall Freeman, *A Pleasant Hour in the Temple* (London: M. Hughes & Clarke, 1932). Hugh Bellot, *The Inner and Middle Temple, Legal, Literary and Historic Associations* (London: Methuen & Co., 1902). Hugh Bellot, *The Temple* (London: Methuen, 1914).

⁸¹ Hugh Bellot, *The Temple*, 38.

⁸² Hugh Bellot, *The Temple*, 28.

national heritage and identity. Temple histories lauded the Elizabethan Temple for its revels, festivals, and plays, including the first performance of *Twelfth Night*.⁸³ Connecting Shakespeare to the Temple was one way that authors catapulted the space from the local to the national, collective British past. Using material artifacts to attach Elizabeth I to the Inns also tied the Temple to a national heritage. Many Temple authors declared the benchers' table in Middle Temple Hall to be made of wood from Drake's *Golden Hinde*, referencing a triumph of Elizabethan imperial navigation.⁸⁴ These authors amalgamated archival research and oral or written legend, including in their works stories without historical evidence, so long as their connection to the Temple was long-standing.

Placing new value on longevity and connection with the past, Temple authors linked the Inns' ancient architectural spaces to the historic practices they housed, especially dining to keep term. While mid-Victorian members emphasized the practicalities of this custom, late-nineteenth- and early twentieth-century authors defended keeping term as a historic ritual. For Edwardian and interwar members of the Inns, the Temple and its rituals represented physical and embodied manifestations of valued pasts.⁸⁵ Temple histories detailed the Elizabethan features of the Middle Temple Hall, especially the dark wood paneling, elaborately carved screen, and double-hammer beam roof, to impress on readers the hall's great age. [Figure 1.7] At the Middle Temple, authors noted, dinner began with the sounding of a medieval summoning horn. A 1919 article in the *Globe* proudly described this as "London's Oldest Custom." Whether or not this was true, the article substantiated its claim by referencing William George Thorpe's 1895 *Middle Temple Table Talk*, itself a mixture of archival research and oral legend. According

⁸³ E. A. P. Hart, *The Hall of the Inner Temple* (London: Sweet & Maxwell, Limited, 1952), 8. See also, Adrian Poole, *Shakespeare and the Victorians* (London: Arden Shakespeare, 2004).

⁸⁴ See Hugh Bellot, *The Temple*, 146; Stephen Coleridge, *Quiet Hours*, 42; W. Marshall Freeman, *A Pleasant Hour in the Temple*, 10.

⁸⁵ Eric Hobsbawm, "Introduction," in *The Invention of Tradition* (New York: Cambridge University Press, 1983).

to the *Globe*, before the start of the meal, an usher in purple gown knocked twice on the floor with his staff. The seated barristers and students, in black gowns, rose and “‘dress[ed]’ shoulder to shoulder, in military fashion.” The benchers then processed into the hall, lead by a ceremonial mace-bearer. While the Inner Temple had let such formalities go, the article lauded the Middle Temple for “scrupulously” preserving the Inn’s ancient rituals.⁸⁶

Authors celebrated the Inns’ historic rituals because they anchored legal culture in ideas of brotherhood even as the texture of professional life was changing. More than ever before, barristers and law students lived in suburbs rather than the Temple itself, limiting their opportunities for casual socialization in chambers. Social interactions beyond Temple borders also began to decline. As Raymond Cocks argues, after the 1883 relocation of the law courts to the Strand, barristers no longer consorted via walks to Westminster. Railways made it so that barristers did not have to stay overnight while on circuit, resulting in a decline of circuit mess sociability. In light of these changes, the Inns relied upon dining rituals to buoy the corporate life of the societies.⁸⁷

Temple histories celebrated one enduring extension of Temple fraternity, the practice of eating together at nearby Fleet Street taverns, an informal but long-standing tradition at the Inns. Authors emphasized the historic associations of establishments like the Cock, Nando’s Coffee-house, the Cheshire Cheese, or the Devil’s Tavern, particularly as haunts of Dr. Samuel Johnson and Ben Jonson and his Apollo Club. One writer described the Cheshire Cheese as “still the dirty-fronted, low-browed tavern, with stone flasks in the window, that it was even before

⁸⁶ “LONDON’S OLDEST CUSTOM. MIDDLE TEMPLE’S OX-HORN SUMMONS TO DINNER, ROMANTIC RELIC OF 1184,” *Globe*, Jun 14, 1919. See also C. P. Hawkes, *Chambers in the Temple: Comments and Conceits ‘In Camera,’* (London: Methuen & Co., LTD, 1930), 145-7.

⁸⁷ Raymond Cocks, “The Middle Temple in the Nineteenth Century,” in *History of the Middle Temple*, ed. Richard O Havery, (Portland: Hart Pub., 2011), 324.

Johnson's time."⁸⁸ Temple histories emphasized how the same locales that had served Elizabethan and Georgian residents continued to serve nineteenth- and twentieth-century Templars. The tradition of Fleet Street tavern patronage, these authors claimed, often led to a familiarity between Templars and tavern waitstaff. Gilchrist Alexander recalled his relationship to the Cock Tavern, "We dined in one of the pew-like enclosures attended by Arthur, a very long-established waiter. After a few years in the tropics I went back...to be greeted by the remark: 'Haven't seen you lately, sir.'"⁸⁹ In recounting the remark, Alexander figured the Fleet Street taverns as spaces of continuity with both the distant and more recent past, his years between visits mere ellipses for the ever-present Arthur. Even law student Tom Wintringham, a member of the Communist International, extolled these alehouses of Albion. In 1926, Wintringham counted the Cheshire Cheese among the places he most wanted to visit after being released from his six-month imprisonment for sedition.⁹⁰

In emphasizing these establishments' history as Elizabethan and Georgian haunts, authors highlighted the Englishness of the Fleet Street taverns relative to newer foreign—and feminized—restaurants along the Strand and in the West End. The food critic Lieutenant Colonel Newnham-Davis contrasted his account of eating *truite meunière* with Miss Dainty and her poodle at Romano's with his experience at the Cheshire Cheese. By 1899, Romano's, located on the Strand and formerly popular with a bohemian crowd, had become the domain of dining couples, with a menu entirely in French, and a waiter named Antonelli. Conversely, Newnham-Davis described the Cheshire Cheese, a Temple favorite on Fleet Street, as the perfect place to go for a man who was not dressed for dinner anywhere else. There the host, Mr. Moore, dished out pudding and brought him a pint of beer and stewed cheese. Newnham-Davis then

⁸⁸ Arthur Ransome, *Bohemia in London* (New York: Dodd, Mead & Company, 1907), 164.

⁸⁹ Gilchrist Alexander, *The Temple of the Nineties*, 51.

⁹⁰ Liddell Hart Military Archives. Wintringham 9/5.

struck up a conversation with a nearby diner and shared with him a glass of Cheshire Cheese punch.⁹¹ The food consumed was decidedly English, and the mood decidedly one of masculine homosociability.

The same historic rituals and traditions that marked insider status for the British writers of Temple histories, however, equally denoted outsider status for foreign members of the Inns, a fact glossed over by most authors of these works. Writers described overseas students at the Inns as exotic others, not quite unwelcome but decidedly separate. Gilchrist Alexander, for example, noted the diversity of the Middle Temple, populated by “English, Scottish, Irish, Welsh, Colonial and others, with hundreds from India’s coral strands and Afric’s sunny fountains.” Alexander treated overseas members as a curiosity, describing their “wooly heads” in rows at the library as he might animals at the zoo.⁹² Few Temple histories described much socialization between Anglo-British and overseas students, barristers, or residents. Some authors contended that while dining in hall men of all backgrounds ate with one another, but self-interest motivated these interactions. Diners in hall were divided into “messes” of four people, each mess allotted a certain portion of wine. As one Temple history quipped, “for this reason a Mohammedan ... is welcomed eagerly in any mess, for his unconsumed portion goes to augment the never sufficient allotment of the other members.”⁹³ As the Temple histories made clear, Anglo-British and international students did not dine together to share in cultural exchange. In fact, for Temple residents, the hegemony of English rituals at the Inns robbed transnationalism of any of the dangerous valences identified by historian Judith Walkowitz.⁹⁴ Foreign cuisine could be safely sampled in West End establishments, with the knowledge that Temple fare would consist of

⁹¹ Lieut.-Col. Newnham-Davis, *Dinners and Diners Where and How to Dine in London* (London: Office of the Pall Mall Publications, 1899), 9-12, 22-29.

⁹² Gilchrist Alexander, *Temple of the Nineties*, 66, 78.

⁹³ C. P. Hawkes, *Chambers in the Temple*, 146-7.

⁹⁴ Judith R. Walkowitz, *Nights Out* (New Haven: Yale University Press, 2012), 17-43.

“soup or fish, a joint with potatoes and vegetables, apple or gooseberry tart, cheese, bread, and butter.”⁹⁵ Despite its international population, Temple cuisine and culture remained solidly English.

Like their Victorian predecessors, twentieth-century Temple authors highlighted the homoerotic dimensions of male intimacy by absenting women from their narratives and placing men in typically feminine roles. Blending recollection, fiction, and legend, C. P. Hawkes offered a number of accounts of Temple life that blurred the lines of friendship, romance, aesthetic pleasure, and desire. Hawkes recounted the tale of two hallmates (perhaps fictitious, perhaps not) who despised one another, until they accidentally swapped headgear at a West End party, finishing with “a happy ending, in a union of hearts—and hats.” Here, by joining “hearts,” Hawkes echoed the language of heterosexual romance and marriage. In the subsequent story, an ethereal “rich-toned tenor” voice singing at the foot of the Inner Temple clock tower enchanted the listening narrator. Hawkes created a romantic *mise-en-scène*: “Filmy clouds fluttered across the listening moon... and the stars were twinkling more brightly even than the picture-palace lights in the neighbouring Strand.” The narrator cast himself as *The Tempest*’s Ferdinand and the singer as Ariel. Just as he was almost completely lured into an “isle of mystery and enchantment,” a policeman rounded the corner, revealing the source of the song. This officer abruptly cut himself off in embarrassment.⁹⁶

Temple histories also contrasted their enduring, all-male professional world with caricatures of new female white-collar employees elsewhere in London. In the first two decades

⁹⁵ Gilchrist Alexander, *After Court Hours*, 73.

⁹⁶ C. P. Hawkes, *Chambers in the Temple*, 91, 99-100. Hawkes’s characterization of the enchanting voice as Ariel is significant. This spirit is written with male pronouns but appears in the fourth act as Ceres, goddess of fertility. In staged productions from the Restoration until the 1930s, he was typically played by a woman. Thus Hawkes offered an account of blurred boundaries, in which the male narrator was enchanted by a male voice aligned with feminine qualities, which ultimately belonged to a robust and male-bodied individual. Anne Button, “Ariel,” *The Oxford Companion to Shakespeare*, ed. by Michael Dobson and Stanley Wells (Oxford: Oxford University Press, 2001), Oxford Reference Online, retrieved Mar 4, 2009.

of the twentieth century, women made inroads into the business sector as secretaries and stenographers, but they remained shut out of work at the Inns. Authors like C. P. Hawkes compared “the shingled ‘lady-stenographer’ with her long French heels and her wide English simper” with the “Barrister’s clerk, discreet, omniscient, and with an air of well-deserved responsibility.”⁹⁷ Hawkes set stereotypes of the frivolous New Woman against the contained body of the responsible, male clerk. Hawkes also reaffirmed existent professional relationships and power dynamics between barristers and barristers’ clerks. A good clerk knew how to win the best cases from solicitors for his barrister. In return he was paid a varying percentage (between 2.5 percent and 5 percent) of the barrister’s fees. Thus, the success or failure of a barrister and a barrister’s clerk was mutual. As a result, successive generations of barristers and clerks from the same families often had close ties and working relationships.⁹⁸ Men outside the legal profession might cultivate tenuous professional relationships with women, but Temple histories celebrated the bar’s perpetuation of a time-tested, thoroughly masculine work environment.

Authors of Temple histories uniformly ignored the most significant change in women’s professional presence at the societies, the admission of women to the Inns of Court in 1919. Almost none of the Temple histories written in the 1920s or 1930s acknowledged women barristers and law students at the Inns, despite women’s highly publicized presence in the press. As challenges to both Temple precedent and the Inns’ homosocial culture, women members disrupted the continuous traditions that authors intended Temple histories to convey. Hawkes alone included an ambivalent section on “Portia,” in which he pondered whether women could adjust to the “masculine *religion d’avocat* of the English Bar.” For Hawkes, women’s

⁹⁷ C. P. Hawkes, *Chambers in the Temple*, 10.

⁹⁸ Charles Booth, *Life and Labour of the People in London Volume IV Part I* (New York, AMS Press, 1970), 38.

integration into professional life was not impossible, but it required “time and mutual understanding” to “solve the difficulties of comradeship of men and women on circuit and in chambers.” Tellingly, Hawkes concluded his section by paraphrasing *The Merchant of Venice*, “Portia may confidently trust that ‘The four winds blow in renowned suitors’ (perhaps not only in the legal sense of the word) ‘in plenty to her chambers.’”⁹⁹ By invoking a Shakespearean female lawyer, Hawkes reminded readers of the connection between the bard and the Inns, and subtly indicated that women barristers were not entirely unprecedented. His parenthetical interjection about non-legal suitors, however, conveyed his hope that women barristers would find husbands, presumably to carry them safely back to the domestic realm.

Temple histories ignored or denigrated women’s presence at the Inns, but letters and diaries reveal that many members of the societies took advantage of the increased facility of interacting with women, in their personal if not professional lives. Gradually relaxed norms for heterosexual courtship, for example, changed the nature of intimacy between men and women at the Temple. When the aforementioned Hannah Cullwick stayed the night at Arthur Munby’s chambers in the 1860s—a night Munby insisted they spend in separate bedrooms—she had to hide under a bed so as not to be seen by the housekeeper.¹⁰⁰ In her letters in the early 1920s, by contrast, medical student Elizabeth Arkwright joked about the Temple porters recognizing her from having spent so many nights in her fiancé Tom Wintringham’s chambers. Her letters made explicit, as well, that these were not similarly chaste evenings.¹⁰¹

Even the Inns of Court Rifle Corps, that brotherhood within a brotherhood, offered a variety of new heterosocial activities that encouraged interactions between men and women. When members of the mid-Victorian corps mentioned women at all, it was usually on those

⁹⁹ C. P. Hawkes, *Chambers in the Temple*, 74.

¹⁰⁰ Arthur Munby, *Man of Two Worlds*, 136.

¹⁰¹ Liddell Hart Military Archive. Wintringham 9/3.

occasions when women materialized to admire men in uniform. In 1860, for example, William Grantham marveled at his “good luck to win a lady’s ticket for admission to the stands erected by [the] government to see [the] Volunteer Review.” Sir Paul Ogden Lawrence’s 1878-1882 diary mentioned several occasions on which lady friends came down to Richmond to watch drills on “ladies day.” Lawrence discreetly edited out their names, perhaps because such an activity lay at the outer bounds of respectability. By the end of the century, however, the Volunteer Rifle Corps sponsored annual concerts, dinners, balls, and perhaps the most whimsical of heterosocial events, the yearly Gymkhana. In addition to regular jumping competitions, this event included horse races forcing riders to dress in drag, collect potatoes, or smoke cigars. Certain races required competitors to partner with a lady who would have to draw an animal or guess a whistled tune before the rider could finish the race.¹⁰² Unlike the solemn volunteer review, at the Gymkhana women could laugh at the antics of their male peers or even participate in the comedy themselves.

With a sense of changing times, twentieth-century Templars wrote with elegiac regard for architectural changes to the city, like the removal of Temple Bar, otherwise unremarked upon or approved by their mid-nineteenth-century counterparts. The Victorian Inns of Court neither expressed concern for the 1877 dismantling of Temple Bar nor displeasure with its final resting place in Theobald’s Park. During its forty years of exile, however, Temple Bar ceased to represent the autonomy of the City, while its status as a relic of Old London took on new importance for interwar Templars. Beginning in 1921, members of the bar began to editorialize calls for Wren’s design to be “brought back” to the Inns of Court. Writers admitted that Temple Bar had never actually been part of the Inns’ property. But the old gateway had been “so

¹⁰² LMA. Extracts from the diary of W. W. Grantham, later Mr. Justice Grantham, 1859-1864. Extracts from the Diaries of Sir Paul O. Lawrence, 1878-1882. 1896-1937 Miscellaneous papers.

intimately connected with the Temple,” they argued, that surely it belonged there. Several newspaper articles championed forming Temple Bar into a gate at the south end of Middle Temple Lane. As one author suggested, “In what more appropriate way could the memory of Wren be honoured than by the adoption of that suggestion?”¹⁰³ The Victorian Temple had mercilessly removed all signs of Wren from its church; the interwar Temple was ready to embrace any trace of that quintessentially British architect that it might find. When the London Society proposed to take action to relocate Temple Bar in 1921, the benchers expressed their approval of the scheme. The London Society’s effort failed, but as late as 1939 the Inns met to consider trying to bring Temple Bar to the Temple.

¹⁰³ Middle Temple Scrap Albums Vol 1-3.



[Figure 1.1] Dining in the Middle Temple Hall, *Illustrated London News*, 1843

from the carriage. The procession then moved in the following order :

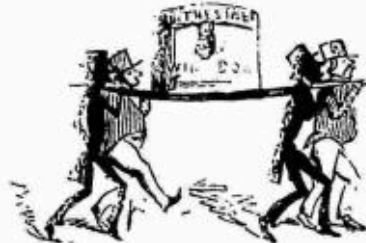
PORTERS WEARING THEIR TICKETS,
(walking partially backwards, and beating off the boys.)



THE LAUNDRESS OF THE HALL STAIRCASE,
(carrying the venerable ashes of the grate in order to mingle them with
the dust of surrounding Templars.)

THE SIX CLERKS OF THE HALL STAIRCASE,
(bearing the bags of brieflessness.)

MR. THESIGER'S WIG-BOX,
(supported by his clerk.)



A JUNIOR **BARRISTER**
(not supported by anything, but vigorously endeavouring to support
himself.)

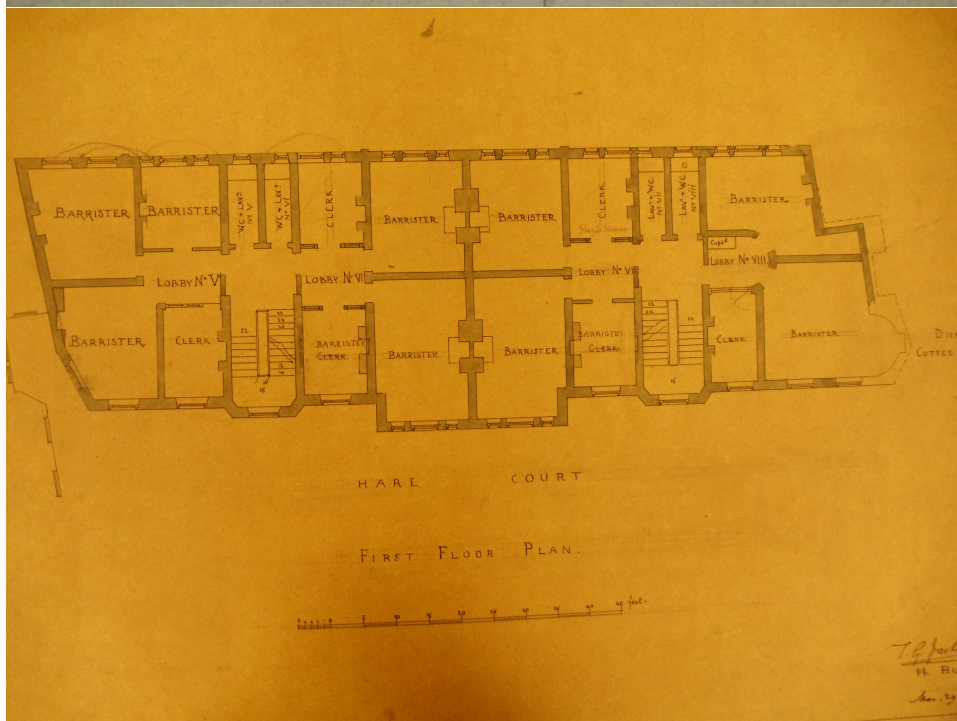
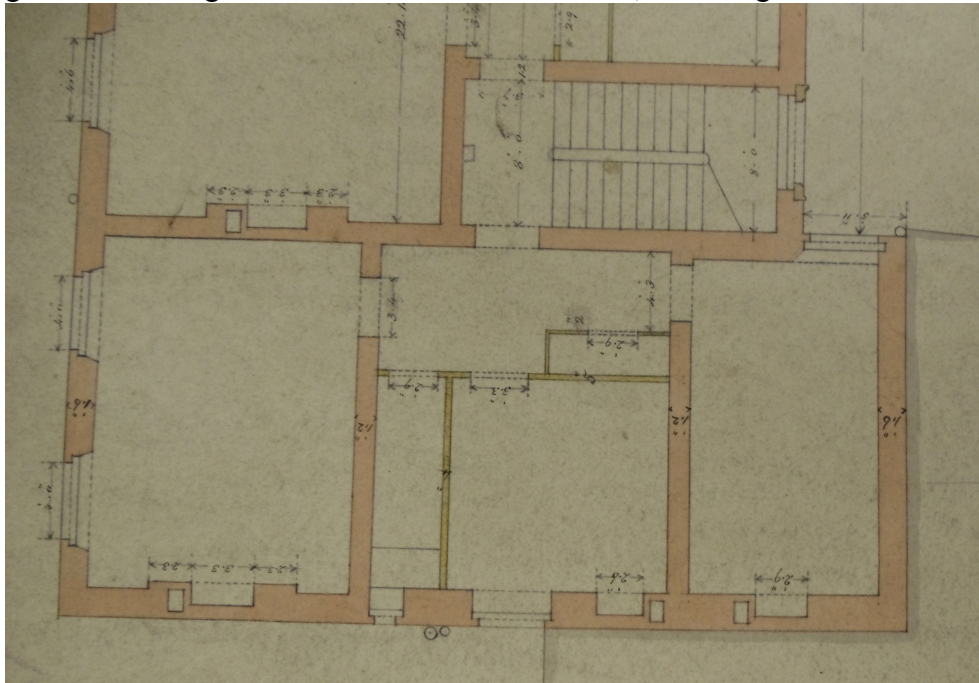
Her Majesty Queen Adelaide,
(surrounded by the deputation of Benchers, and followed by the royal
footmen, &c. &c.)



[Figure 1.2] "Queen Adelaide's Visit to the Temple," *Punch, or the London Charivari*, May 27, 1843.

[Figure 1.3] IT PLA Architectural Plan for set of chambers, first floor, Dr. Johnson's Building, Inner Temple, 1857.

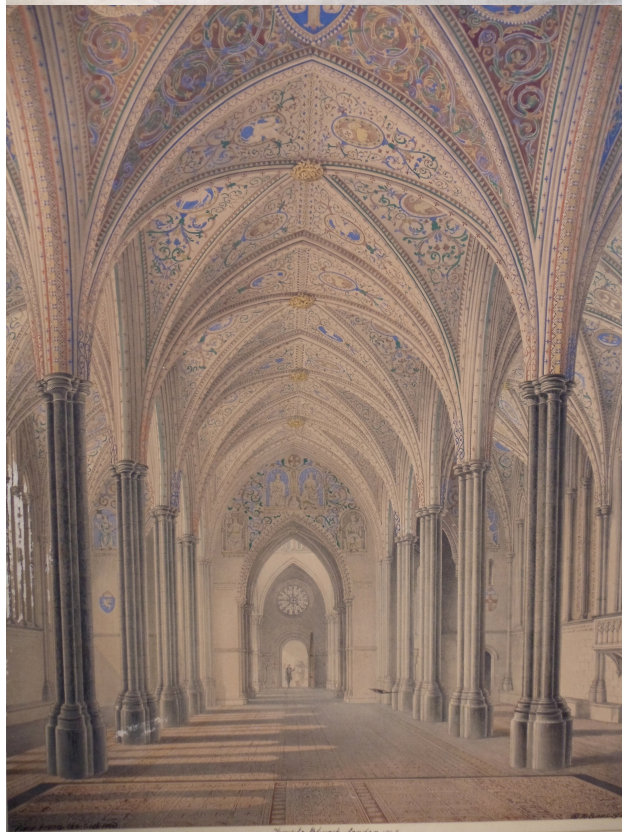
This building included two water closets reached from outside the building, with "White glazed tile lining round walls of the water closets, 5 feet high."



[Figure 1.4] IT PLA Business Chambers, First Floor Plan of Hare Court, No 3, Inner Temple, 1893

Each floor had four lavatory W.C.'s.

[Figure 1.5, Figure 1.6] LMA Temple Church Before and After the 1842 Renovation





[Figure 1.7] LMA The Middle Temple Hall Looking West, 1896

Chapter 2 – The Inns as Metropolitan Institutions

“There are ... worse places than the Temple,” wrote Charles Dickens in 1841, “for basking in the sun, or resting idly in the shade. There is yet a drowsiness in its courts, and a dreamy dullness in its trees and gardens.” Victorian literary fiction and topographic guidebooks frequently characterized the Inns of Court in monastic terms, as places of rest and respite. After all, authors noted, buildings, walls, and gates separated the Inns from the surrounding city. Outside, choked arteries like Fleet Street and the Strand rang out with the noise of iron-shod horses and wheels, and their sidewalks teemed with pedestrians. Inside, writers claimed, the Temple experienced little more than the soft footfalls of barristers coming and going to court. Outside, London’s population shot up and crowded rookeries overflowed with residents faster than slum-removal projects could clear them. Inside, poetry and novels extolled the comfortable intimacy of life in chambers for a declining number of bachelor barristers.¹ Outside, developers frenetically erected warehouses and offices to keep pace with the capital’s commercial successes. Inside, chrysanthemums bloomed in the Temple Gardens, fountains trickled and splashed. As Dickens put it, “Who enters here leaves noise behind.”²

Dickens and other literati figured the Inns as a fantastical, soporific oasis, a space not only disconnected from the surrounding city but from the workings of time itself. In actuality, pragmatic features and circumstances created the Temple’s “mystic” quality. The societies backed onto other buildings on three sides and the Thames on the fourth, significantly buttressing the Inns from the dirt and din of the capital. [Figure 2.1] Businesses and residences,

¹ Lynn Mackay, *Respectability and the London Poor* (London: Pickering & Chatto, 2013). Jerry White, *London in the Nineteenth Century* (London: Jonathan Cape, 2007). Gareth Steadman Jones, *Outcast London* (London: Verso, 1971). “Ten, Crown Office Row. A Templar’s Tribute,” *Punch*, Feb 26, 1859. “Love Songs by the Fat Contributor,” *Punch*, Mar 27, 1847. William Makepeace Thackeray, *The History of Pendennis* (New York: Start Publishing, 2013). Mary Elizabeth Braddon, *Lady Audley’s Secret* (Peterborough, ON: Broadview Press, 2003).

² Charles Dickens, *Barnaby Rudge*, (New York: Start Publishing, 2013), 188.

many of early modern origin, shielded the Inns from the clamor of Fleet Street. Until the 1860s, the Temple's property extended all the way to the banks of the Thames, making the Inns a site of relative tranquility in the center of Britain's great metropolis. Furthermore, the Inner and Middle Temples held the status of liberties, or extra-parochial areas outside the jurisdiction of metropolitan bodies like the Corporation of the City of London. They regulated who could enter their space, from the casual passerby to the policeman on the beat, and took pains to keep out both the disorderly and those who represented the authority of outside powers.

Despite their separate legal standing and cloistered geography, however, the societies were anything but disconnected from the rest of London. Most studies of the modern Inns of Court ignore the societies' relationship to the capital. This chapter, by contrast, examines the role of the Inns as local metropolitan authorities fighting to maintain their independence while fulfilling obligations to London visitors and residents. Histories of Victorian metropolitan civic improvement tend to focus on the efforts of Liberal and reform-minded individuals and associations.³ Examining the Inns of Court's efforts to promote citizens' physical, moral, and cultural well-being, the chapter contends that conservative institutions, though less visibly and vociferously, also participated in processes of improvement. In keeping with crusades for social uplift through sanitary reform, for example, the Inns opened their gardens for local poor children to play on summer evenings. By inviting both tourists and local residents into the Temple, the Inns of Court embraced a notion of the public good as reliant upon institutions voluntarily providing resources to the populace at large. At the same time, the Inns clashed with newly created, central metropolitan bodies designed to override local authorities in an effort to unify

³ Judith R. Walkowitz, *Prostitution and Victorian Society* (New York: Cambridge University Press, 1980) and *City of Dreadful Delight* (Chicago: University of Chicago Press, 1992). Frank Mort, *Dangerous Sexualities* (London: Routledge, 2000). Lynda Nead, *Victorian Babylon* (New Haven: Yale University Press, 2000). Lara Kriegel, *Grand Designs* (Durham: Duke University Press, 2007). Seth Koven, *Slumming* (Princeton: Princeton University Press, 2004).

and order the sanitary city. In confronting newly established centralized authorities, the Inns of Court protected their autonomy and interests by marshaling rhetoric about the societies' role as civic institutions for public benefit.

The Temple's independence originated from its days as home to the medieval Knights Templar, exempted by papal bull from all civic and ecclesiastical jurisdictions. The legal societies began renting the properties from the Knights Hospitallers in the fourteenth century, and continued until Henry VIII dissolved the religious orders. The Temple then reverted to the crown but remained an independent local authority. In 1608, James I solidified this status by granting the societies a letters patent that confirmed their standing as liberties of London, or properties solely under the Inns' control. Historically, periodic infringements upon the societies' rights had resulted in a tense relationship between the Temple and their immediate neighbor, the Corporation of the City of London. The early modern societies warded off the City's endeavors to assert jurisdiction over the Inns through law and ritual, a strategy the nineteenth-century Inns continued to employ. The Victorian Inner and Middle Temples' resolute independence was coupled, however, with a sense of connection to and responsibility for the surrounding communities of central London. The Inns volunteered both financial and material resources for the inhabitants of the City and the parishes of St Giles, St Clement Danes, Covent Garden, Drury Lane, and St Martin in the Fields. These practices stemmed from long-existing philanthropic forms that relied on local authorities rather than centralized bodies to provide relief.

Rather than reserve their sanctuary for members only, the modern Inns opened their buildings and grounds to both local residents and visiting tourists for leisure and spectatorship. The societies tried to balance the mystery of the ancient Inns and their fraternal rituals with a certain degree of visibility. As many scholars have noted, Victorians privileged vision above all

other senses and insisted the ideal city should be legible, illuminated, apprehensible. Their preoccupation with the visual led to a relentless expansion of artificial illumination and a variety of viewing-as-knowledge-formation practices: flâneurie, mapping, exhibitions, and tourism.⁴ Aficionados of travel literature, and of Charles Dickens and other popular authors, understood the Inns of Court as an essential feature of literary London. Allowing tours of the societies' buildings and grounds extended the visibility of the Victorian Inns of Court beyond the pages of the narrative, newspaper, or novel. Similarly, opening the garden for poor children to play expanded eighteenth-century viewing practices, such as allowing ladies and gentlemen to stroll in the garden, beyond the confines of bourgeois respectability.

By opening the Inns' grounds to the poor, the societies impressed their great age and status on working-class visitors, imparting a sense of respect for the nation and a reverence for its past. Like the public museum and historical site, the Inns of Court inscribed and broadcast messages of power to those who viewed their gothic facades or majestic interiors.⁵ They helped to instill in working-class populations a conservative valuation of the past, albeit one understood in rudimentary terms. This latter was particularly important to conservatives as subsequent Representation of the People Acts enfranchised increasing numbers of working-class men. The Temple also provided much-needed light and air to improve Londoners' overall health. In the early nineteenth century, sanitary science re-approached the problem of disease by attending to the physical environment: the triumph of health and virtue over pestilence and vice became contingent upon the success or failure of the sanitary city. The aims of middle-class moral

⁴ Lynda Nead, *Victorian Babylon*. Chris Otter, *The Victorian Eye* (Chicago: University of Chicago Press, 2008). Nancy Rose Marshall, *City of Gold and Mud* (New Haven: Yale University Press, 2012).

⁵ Peter Mandler, *The Rise and Fall of the Stately Home* (New Haven: Yale University Press, 1997). Tony Bennett, *The Birth of the Museum* (London: Routledge, 1995). David Boswell and Jessica Evans (eds), *Representing the Nation: A Reader* (London: Routledge, 1999). Martin Wiener, *English Culture and the Decline of the Industrial Spirit: 1850-1980* (Cambridge: Cambridge University Press, 1981). Rosemary Mitchell, *Picturing the Past* (Oxford: Clarendon Press, 2000). Patrick Joyce, *The Rule of Freedom* (New York: Verso, 2003). Paul Readman, "The Place of the Past in English Culture c. 1890-1914," *Past and Present* (2005).

reformers aligned with those interested in public health, resulting in the promotion of parks, gardens, and other spaces for outdoor recreation. Central London lacked green spaces, and the Inns thus offered a salubrious environment for a population otherwise confined to over-crowded slums.⁶

Sanitary reform also required reform of the disparate bodies responsible for municipal services, leading to major administrative changes in metropolitan governance in the mid-nineteenth century. Historically, London's patchwork infrastructure left the individual vestries of over ninety parishes, along with independent local authorities like the Temples and the City, in charge of street lighting, paving, and cleaning; poor relief; and maintaining the peace. Further complicated by differences in vestry size or wealth, local acts of Parliament, and eight independent Commissions of Sewers—and compounded by London's exponentially rising population (from 1.6 million in 1831 to 2.3 million and counting in 1851)—the situation resulted in uneven poor relief and policing, the intermixing of raw sewage with drinking water, and regular bouts of diseases like cholera. Aware of the failures of this piecemeal system, public health reformers like Edwin Chadwick championed new centralized approaches to cleaning and ordering the city. Such campaigns led to the creation of the Metropolitan Police (1829) and a central Poor Law Commission (1834).⁷ During the Great Stink of 1858, the miasmic odors of sewage from the Thames nearly drove Parliament out of Westminster, motivating MPs to pass an act to empower the newly created Metropolitan Board of Works (formed 1855) to take action reforming the sewers.

⁶ Todd Longstaffe-Gowan, *The London Square* (New Haven: Yale University Press, 2012). Hazel Conway, *People's Parks* (Cambridge: Cambridge University Press, 1991). Brent Elliot, *Victorian Gardens* (London: Batsford, 1986).

⁷ Lynda Nead, *Victorian Babylon*. David Owen, *The Government of Victorian London* (Cambridge: Belknap Press, 1982), 25-26. Anthony Wohl, *Endangered Lives* (Cambridge: Harvard University Press, 1983).

Beginning in the 1860s with the Board's Victoria Embankment, the Inns of Court witnessed a new approach to the public good, in which Parliament placed public welfare in the hands of a central body willing to work for public benefit at the expense of local authorities. Unlike local powers such as the Temple or the City of London, whose authority extended only within their bounds, the jurisdiction of the Metropolitan Board of Works covered the entire area designated "London" on the 1851 census. Historically, the Inns of Court had warded off infringements upon their rights by other local authorities through a combination of law and ritual. In confronting newly established centralized authorities, however, the Inns revised their tactics. They successfully combined petitions citing legal precedent with rhetoric about the Temple's role as a civic institution for public benefit to protect the autonomy and interests of the Inns.

"Common People in the Temple Gardens"

Neither the Inner nor the Middle Temple actively sought or encouraged tourism, nor did they profit from visitors' attendance in any immediate financial sense. Indeed, unlike other newly emerging tourist sites, such as the Tower of London, the societies did not charge admission to the grounds or the church. Nevertheless, if the Inns did not want visitors they had only to shut their gates, and these they kept open. Permitting tourists to visit the Inns, after all, reinforced the trope of the Temple as a valuable artifact of Old London and bolstered the status and prestige of the Inns in British culture. Furthermore, the societies had no need to promote themselves as tourist sites: stories, poems, and novels offered readers a virtual view of the Inns of Court, piquing their interest in visiting, and providing a detailed imaginary landscape for those who could not. In fact, mid-Victorian works of literary fiction set in the Inns made the Temple a

must-see for tourists wishing to experience “Dickens’ London.”⁸ In an 1855 short story, Herman Melville explicitly encouraged readers to visit the Inns in order to relive the protagonist’s dreamy experiences in the Temple. “Take your pleasure, sip your leisure, in the garden,” the narrator urged, “go linger in the ancient library; go worship in the sculptured chapel.”⁹

Mid-century popular fiction intensified interest in the Inns already stoked by topographic guidebooks which, from the beginning of the nineteenth century, considered the Temple a requisite site to see.¹⁰ In its plan for viewing London in eight days, for example, *Mogg’s New Picture of London and Visitor’s Guide to its Sights* included the Temple Church and Gardens on day six. Similarly, Peter Cunningham’s 1850 *Hand-Book of London* recommended Temple Church under “Places Which a Stranger in London Must See,” along with the Tower, Westminster Abbey, and St. Paul’s.¹¹ As Billie Melman convincingly argues, in addition to visions of an idealized Arcadian history, Victorian culture privileged narratives of an urban and grotesque-but-titillating past.¹² The Temple, with its compelling dark legends of the Knights Templar and its secluded green spaces, satisfied both visions, providing both the frisson of danger and the charm of ‘Merrie England.’ The *Hand-Book of London*, for example, detailed the revels of the early modern Inns, in which the benchers and judges “danced ... round about the coal fire, according to the old ceremony,” followed by an evening of plays, poems, and country dances. The guidebook also quoted Shakespeare’s *Henry VI*, noting that “ ‘the red rose and the

⁸ Late in the century authors published guides for this explicit purpose. These works invariably included the Temple. William Richard Hughes, *A Week’s Tramp in Dickens-Land* (London: Chapman & Hall, 1891). Robert Allbut, *Rambles in Dickens’ Land* (London: S. T. Freemantle, 1899). H. Snowden Ward and Catherine Weed Barnes Ward, *The Real Dickens Land* (London: Chapman & Hall, 1904).

⁹ Herman Melville, “The Paradise of Bachelors and the Tartarus of Maids,” in *The Piazza Tales and Other Prose Pieces*, ed. Harrison Hayford, Alma A. MacDougall, G Thomas Tanselle, and Merton Sealts (Evanston: Northwestern University Press, 1987), 316, 318.

¹⁰ See, for example, John Feltham, *The Picture of London, for 1803* (London: Lewis & Co, 1802).

¹¹ Edward Mogg, *Mogg’s New Picture of London and Visitor’s Guide to its Sights*, (London: E. Mogg, 1843). Peter Cunningham, *Hand-Book of London*, (London: John Murray, 1850). See also G. F. Cruchley, *Cruchley’s London in 1865* (London, 1865). Robert Hunt, *Guide A Londres et a L’Exposition de 1862* (London: W. Jeffs, 1862). Élisée Reclus, *Londres Illustré Guide Spécial Pour L’Exposition de 1862* (Paris: Librairie de L. Hachette et Co, 1862).

¹² Billie Melman, *The Culture of History* (New York: Oxford University Press, 2006).

white” which would send “ ‘[a] thousand souls to death’ ” in the War of the Roses were plucked from Temple Gardens. Victorian visitors would find chrysanthemums rather than roses in the garden, the guidebook noted, as the latter could not survive “the smoke and foul air of London,” but surely tourists could imagine the historic scene.¹³

Touring the Inns was a relatively informal affair compared to other emerging historical sites with admissions fees, like Westminster Abbey, or elaborately staged interiors, like Hampton Court Palace.¹⁴ To visit the Temple, observers merely walked or drove through one of the societies’ open gates. Organized groups might bring their own tour guide, and they could write the societies in advance for permission to enter the Middle Temple Hall when not in use. Otherwise visitors directed themselves with guidebooks and whatever outside knowledge of history and literature they possessed. Tourists viewed mostly exterior spaces—the gardens, the fountain, perhaps Goldsmith’s tomb—though the societies opened the church to visitors several days per week, as well as for services on Sunday.

Admitting visitors to the Inns allowed men and women of multiple classes to view the Temple, but the degree of access they afforded varied in accordance with the societies’ privileged middle-class masculinity. The middle-class male visitor, particularly if he had any London connections, might access aspects of the Inns’ fraternal culture in a form of homosocial tourism. Herman Melville, for example, recorded two diary entries near the end of his 1849 trip to London about time spent in the Temple. On his penultimate day in the capital, Melville visited the Temple chambers of Mr. Cleaves, a “fine fellow” that he met dining in the Erechtheum Club, St. James’s the night before. Melville’s connections to London’s elite male networks (he had been invited to the club by his publisher’s cousin) granted him entry to the

¹³ William Shakespeare, *Henry VI*, Act ii, scene 4, as quoted in Peter Cunningham, *Hand-Book of London*, 245, 486.

¹⁴ Simon Thurley, *Hampton Court: A Social and Architectural History* (New Haven: Yale University Press, 2003).

homosocial spaces of the West End, where he in turn gained contacts that led to privileged access at the Inns of Court. Mr. Cleaves treated Melville to a tour of the Inns that included spaces rarely seen by visitors, including the kitchen and the benchers' parliament chamber. Two days earlier Melville dined at the Middle Temple chambers of another cousin of his publisher, noting the "glorious time" he had with a group of legal and artistic minds. It was, he noted in his diary, "The Paradise of Bachelors."¹⁵ Two years married and recently a father, Melville did not in fact fit the profile of the Temple bachelor. Yet his visit to the Temple allowed him to imagine, if only for a night or two, that he, like the Temple residents, "had no wives or children to give an anxious thought."¹⁶

Literary and journalistic descriptions presented the Inns as masculine spaces, but well-to-do women regularly permeated this all-male preserve as tourists. During her 1839 trip to Europe with her extended family, for example, Massachusetts-native Harriette Story Paige recorded being "much pleased" with her visit to the Temple. She was particularly taken with the storied history of the hall, marveling at the idea of judges dancing in their wigs during the "revels ... held ... in the olden time." Paige also echoed the cloister rhetoric with which fiction and guidebooks described the gardens, noting their "remarkable air of quiet, and seclusion, in the midst of so vast, and busy a city." Likewise, on her 1852 European tour, American author Sara Jane Lippincott recorded her pleasure at viewing the "curiously painted walls and roof" of the "rarely beautiful" Temple Church.¹⁷

¹⁵ Herman Melville, *The Melville Log* (New York: Gordian Press, 1969), 350-352. Harrison Hayford, Alma A. MacDougall, G. Thomas Tanselle, "Notes on Individual Prose Pieces," in *The Piazza Tales and Other Prose Pieces*, 709-710.

¹⁶ Herman Melville, "The Paradise of Bachelors and the Tartarus of Maids," in *The Piazza Tales and Other Prose Pieces*, 322.

¹⁷ Diary of Harriette Story Paige, August 1839, in *Daniel Webster in England: Journal of Harriette Story Paige, 1839* ed. Edward Gray (Boston: Houghton, Mifflin, & Co., 1917), 168. Diary of Sara Jane Lippincott, July, 1852 in *Haps and Mishaps of a Tour of Europe* (Boston: Ticknor & Co., 1854), 437. See also Diary of Emma Cullum Cortazzo, November 14, 1865 in *Emma Cullum Cortazzo, 1842-1918* (Meadville: Shartle, 1919), 34-47. Letter from

Significantly, the Temple functioned as one of several emerging spaces in the city, including parks, exhibition halls, and department stores, in which women could be seen in public without being seen as public women.¹⁸ Like these other sites, the Temple was open to the public, but not indiscriminately so. Warders at the gates kept out the disreputable, creating a bounded and protected space for respectable women's leisure. Women attended particular events at the Inns, such as the Inner Temple Chrysanthemum Show, with male escorts or without.¹⁹ [Figure 2.2] The Temple also served as a site of relaxation for women unaccompanied by men. As photographs of the Inns' grounds attest, in mild weather women visitors lounged on benches around the fountain or promenaded through the gardens. [Figure 2.3]

Women visitors did not, however, experience the same degree of privileged access as male visitors like Melville. To be sure, the Inns did not shut women tourists out of masculine spaces completely: in addition to facades and fountains and flowers, both Paige and Lippincott viewed the Inn's fraternal inner sanctum, the hall. Well-educated women were meant to take an architectural, as well as historical, interest in the space. An 1870 engraving in the *Illustrated London News* marking the opening of the new Inner Temple Hall depicted small groups of well-dressed women and men touring the hall's interior. [Figure 2.4, 2.4A] The ladies appeared as engrossed by the architectonic details as did their gentleman companions. Preceded by an opening ceremony conducted by Princess Louisa, sixth child of Victoria and Albert, wealthy and well-born individuals toured the hall that day. Even for aristocratic women, however, their tour

Ellen Tucker Emerson to Ralph Waldo Emerson, December 6, 1867 in *The Letters of Ellen Tucker Emerson, vol 1* ed. Edith W. Gregg (Kent: Ohio State University Press, 1982), 452-453.

¹⁸ Judith R. Walkowitz, "Going Public: Shopping, Street Harassment, and Streetwalking in Late Victorian London," *Representations* 62 (Spring 1998), 1-30. Deborah Nord, *Walking the Victorian Streets* (Ithaca: Cornell University Press, 1995). Erika Rappaport, *Shopping for Pleasure* (Princeton: Princeton University Press, 2000). Anne Friedberg, *Window Shopping* (Berkeley: University of California Press, 1993).

¹⁹ "Chrysanthemums in the Inner Temple Garden," *London Illustrated News*, Nov 18, 1854. Elite women's presence at such an event was consistent with their involvement in the flourishing Victorian interest in horticultural display and competition. Richard Middleton, "The Royal Horticultural Society's 1864 Botanical Competition" *Archives of Natural History* (2014), 25-44.

would have been one of the few occasions that they would be permitted inside the hall. A telling illustration from the *Graphic* depicting the evening's dinner from the same occasion showed five long tables of seated gentlemen stretching the length of the hall. [Figure 2.5] The engraving's caption read, "THE PRINCESS LOUISE AT THE NEW INNER TEMPLE HALL," but the princess herself was impossible to spot amidst the rows of bewigged and bearded male diners.²⁰ Women might tour the hall to view its fine architectural features, but they remained excluded from the ancient homosocial rituals it housed.

Recurring articles in the local and national press, especially the illustrated papers, reported on changes to the material Temple, generating continued interest in the societies and opening up formerly privileged views of the Inns to middle-class readers. The *Illustrated London News*, that steadfast watchdog over changes to London's topography, was sure to note major construction projects at the Inns, such as the renovation of the church or the building of the new library. A middle-class paper pandering to a respectable readership, since the 1850s the *ILN* had simultaneously extolled infrastructural improvements and mourned the destruction of historic buildings throughout the city, including those at the Temple.²¹ In March 1869, for example, the paper featured an engraving showing the demolition of the old Inner Temple Hall typical of the *ILN*'s renderings of the destruction/construction process: a tangle of splintered wooden beams occupied the center of the frame, with laborers at the edge much dwarfed by their physical surroundings. The article accompanying this ruinous scene traced the long history of the hall, noting that it replaced an original medieval version destroyed by a fire in the seventeenth

²⁰ "The Princess Louise at the New Inner Temple Hall," *Graphic*, May 21, 1870.

²¹ Anne Baltz Rodrick, "'Only a Newspaper Metaphor': Crime Reports, Class Conflict, and Social Criticism in Two Victorian Newspapers" *Victorian Periodicals Review* (Spring 1996), 8-10. Peter W. Sinnema, "Reading Nation and Class in the First Decade of the 'Illustrated London News,'" *Victorian Periodicals Review* (Summer 1995), 136-152. Lynda Nead, *Victorian Babylon*, 31, 40.

century.²² The broken wood's jarring angles and the haphazardly scattered debris, combined with the article's mournful tone, signaled the loss of a significant piece of London's history. At the same time, however, the image gave the viewer imagined access to a space normally reserved for elite eyes, the hall's disarrayed grandeur creating a sense of visual intimacy for the reader.

Though catering to a middle-class readership, the *ILN* nevertheless represented the Inns of Court as mixed-class spaces by (quite literally) drawing distinctions between individuals in Temple interiors and exteriors. In addition to the image of the Inner Temple Hall discussed above, the *ILN* included an engraving of the hall's facade in their feature on the 1870 opening. [Figure 2.6, 2.6A] Unlike the rendering of the hall's interior, which depicted only the well-to-do, tiny figures in the foreground represented a variety of class backgrounds: gentlemen with top hats and walking sticks, tradesmen in aprons, and two sets of women and children with baskets. Significantly, the engraving did not adhere to the conventions of the crowd scene, which the paper sometimes employed for the opening of new buildings or roadways. In those busy, kinetic images, readily recognizable types representing all classes transformed particular historical events into social allegories.²³ Arranged in discrete and orderly tableaux, the figures in the 1870 image did not signal the wild chaos of the crowd.²⁴ Furthermore, the figures in the *ILN*'s 1870 image were not legible, caricatured types, unlike, for example, three stocky boys in an *ILN* engraving from the 1860 opening of the Inner Temple Library.²⁵ These latter clearly represented urchins shut out from the respectable Temple by high walls. In the 1870 image, the women and children on the right might have been nursemaids and their charges as easily as members of the

²² "Rebuilding of the Inner Temple Hall," *Illustrated London News*, Mar 6, 1869.

²³ Lynda Nead, *Victorian Babylon*, 47-51. Nancy Rose Marshall, *City of Gold and Mud*, 11-13.

²⁴ It shared many features—the imposing built environment, the orderly and discretely arranged figures—with an 1882 *ILN* rendering of the Royal Courts of Justice. The latter image differed chiefly in that it included only men and women of an upper-class background. "The Royal Courts of Justice," *Illustrated London News*, Dec 9, 1882.

²⁵ "The New Library, Inner Temple," *Illustrated London News*, Oct 13, 1860.

laboring poor resting in the Temple. The woman on the left could have been a costermonger as readily as a tradeswoman, and the little girl with dress in tatters might have been accompanying her, or perhaps she was a beggar. Rather than a social typology, the 1870 image refused to offer its readers readily identifiable figures. By so doing, the *ILN* represented the Temple as a space of interclass interactions, and more broadly, highlighted the uncertainty of social relations in the modern metropolis.

Members of the poor may have indeed seen the Inns—bastions of wealth in close proximity to the rookeries and tenements of central London—as appealing places to earn coin. If indeed the child in the *ILN* engraving was begging, she might have found in the Inns a ready supply of well-to-do gentlemen with deep pockets. The absence of complaints in the societies’ records about harassment from beggars, however, suggests that the warders at the gates, tasked with “prevent[ing] all disorderly & improper people from entering,” likely turned such individuals away. Similarly, the societies instructed the warders to keep out persons “selling old clothes,” which likely meant costermongers generally were unwelcome.²⁶ The Inns might serve, however, as clientele for a variety of other tradesmen and service providers, including unskilled laborers. In 1861, for example, the Inner Temple gave permission to the St. Vincent de Paul Shoeblack Society to station a shoeblack boy near the hall.²⁷

Beyond work, laborers came to the Temple to enjoy the grounds. Admission, after all, was free, and the contrast between the Inns of Court and the abodes of the poor would have made a significant sensory impression on those who took the short journey. The neighborhoods surrounding the Temple were mixed areas, where the middle class and well-to-do lived on broad

²⁶ MT8 SRV Staff Records, c. 1885

²⁷ IT BEN Apr 16, 1861.

thoroughfares while the impecunious crowded behind them in narrow alleys.²⁸ Despite such close quarters, the poor rarely made themselves visible in upper-class spaces: a visit to the Temple would have been a rare exception. A worker coming from St Martin's or Whitefriars would begin his or her journey in their tangled maze of back alleys. These warrens of rotting timber, infinitely subdivided and notoriously overcrowded, stank of refuse and human waste, both of which lined their courts and paths. Sunlight could not penetrate the built-out dwellings that overshadowed narrow walks: darkness prevailed by day and night. Paper-thin walls separated neighbors' bodies, but let through the shouts, grunts, cries, and clangs of daily life.²⁹

Imagine then, stepping from this world into the Temple: spacious, paved courts swept clean by porters; sunlit lawns trimmed with beds of vibrant chrysanthemums; ornate gothic windows pointing up to the crenellations and finials of majestic rooflines; the trickle of a fountain. Working-class visitors may not have commanded extensive architectural vocabularies, but they would have readily recognized the wealth and privilege of the Inns, signaled by the scale of Temple buildings and grounds. They may not have understood the Inns in terms of English heritage and the English past, but they apprehended that the societies were both old and important, and that access to such spaces in their lives was rare and valuable.³⁰

In addition to adult spectators, the Inns also received regular visits from local children and their nursemaids, an aspect of Temple life rarely mentioned in masculinist memoirs, but readily apparent in press accounts, paintings, and photographs of the Inns. As one newspaper correspondent explained, throughout the entire year the Inns gave permission to about 200

²⁸ This was true even by the end of the century, after various slum-clearance initiatives. See the LSE Charles Booth Archive Online, 1898-99 Poverty Map.

²⁹ Lynn Mackay, *Respectability and the London Poor*, 72. For more on impoverished London, see G. Stedman Jones, *Outcast London*. Anthony Wohl, *The Eternal Slum* (Montreal: McGill-Queen's University Press, 1977).

³⁰ Later in the century charitable organizations, like the Working Men's Club and the YMCA Rambling Club, sometimes brought groups of young men to tour these spaces, perhaps hoping to impress some of the finer points of the Inns' history and significance. MT MPA Jul 16, 1878; Nov 8, 1889; Nov 13, 1891.

families to walk in the garden at any time of day. Presumably of the better classes, one author explained that these “quiet and characterless” children gave the Inns “so little trouble that the vigilant beadles of the ground do not even care to watch them.”³¹ Neither the Inns nor the newspaper identified these children and their nursemaids or suggested where they lived. Some of them undoubtedly belonged to the small number of families residing in the Temple. Others were likely the progeny of respectable inhabitants on the eastern border of Bloomsbury, or perhaps particularly wealthy tradesmen and artisans in Holborn and the City. Wherever they came from, they were a regular enough feature of the daytime landscape that, in 1834, the Inner Temple revoked one barrister’s use of the garden to prevent him from “expos[ing] his person to all the little Children and nursery-Girls.”³²

The Inns opened their grounds to children because Temple Gardens was one the few sizeable tracts of grass in central London. Newspapers indicate that the Inns allowed ladies and gentlemen to walk in their gardens from at least the mid-eighteenth century on, though it is unclear if the Georgian societies extended this permission to children as well.³³ Of Georgian origin or not, the practice of admitting children to the gardens would have taken on increased significance in the nineteenth century, when the new public health emphasized the importance of light and air for both physical and moral benefits.³⁴ Parks played an essential part in the resultant emphasis on outdoor leisure, and as London expanded east and west, Parliament reserved large tracts of grass and trees for recreation in newly created spaces like Victoria and Battersea Parks. Central Londoners were left to find or create small green spaces in piecemeal fashion.

³¹ “Gray’s-Inn-Gardens,” *The Times*, Jul 6, 1858. “The Temple Gardens,” *Freeman’s Journal and Daily Commercial Advertiser*, Jul 6, 1872.

³² IT DIS/1/L2 1849.

³³ “News,” *London Evening Post*, Jun 18, 1767. “News,” *Public Advertiser*, Jul 9, 1778. “News,” *Gazetter and Daily Advertiser*, Jan 31, 1782.

³⁴ Conway, *People’s Parks*. Helen Meller, *Leisure and the Changing City* (London: Routledge, 1976).

Responding to civic pressure in the second half of the century, churches converted graveyards into public gardens and some of the formerly enclosed squares were opened to the public.³⁵ The Inner and Middle Temple Gardens occupied less than six acres combined, but they were still one of the largest spaces available for play (especially before Lincoln's Inn opened its gardens in the 1860s or 1870s). The societies were under no obligations to improve public welfare, but they acted out of the philanthropic impulses expected of wealthy men and the prestigious institutions to which they were attached.³⁶

From at least the 1850s, the Inns also allowed youth from nearby impoverished neighborhoods to play in their gardens.³⁷ Wealthy children might occupy the gardens during the day, but in the summer months, between six and eight o'clock in the evening, the societies opened their gardens to the City children of Whitefriars. Their window of play was shorter than and segregated from their well-heeled peers. Nevertheless, approving newspaper articles explained the delight with which these children, otherwise condemned to "fashion mud-pies in the black alleys," greeted the open lawns of Temple Garden.³⁸ The press described these children with the negative and threatening language of swarms and hordes, but they also acknowledged the respect the children held for the Inns' property. The children's presence in the gardens, the papers concluded, resulted in no more damage than some trampled grass. One author praised the Temple's policy, asking, "If the prettiest ... pleasure-grounds in London can, without suffering any damage, ... minister to the health and happiness of the little people living

³⁵ Jerry White, *London in the Nineteenth Century*, 61. Tim Brown, "The making of urban 'healtheries': transformation of cemeteries and burial grounds in East London," *Journal of Historical Geography* 42 (October 2013), 12-23.

³⁶ Seth Koven, *Slumming*. Lara Kriegel, *Grand Designs*. Stanish Meacham, *Toynbee Hall and Social Reform 1880-1914* (New Haven: Yale University Press, 1987).

³⁷ Both societies' records allude to this practice but never give an official start date. Newspapers first took an interest in commenting on the admission of poor children in the 1850s, but the papers never reported on whether this development was new or on-going.

³⁸ "Common People in the Temple Gardens," *Lloyd's Weekly Newspaper*, Sept 19, 1858.

in its neighborhood, why should not the experiment be tried with others of the open spaces adjoining the crowded districts out of reach of any of the parks?”³⁹ The societies, the papers suggested, set a charitable example for their peer institutions.

Members of the Inns, however, did not uniformly share the author’s enthusiasm for opening the garden to children, regardless of background. As a space of contemplation, the occasional tourist did not disturb barristers at work, but young people coming to enjoy themselves upset the Temple’s cherished “clerkly monkish atmosphere.”⁴⁰ The benchers may have wished to contribute to public welfare by providing sunlight and fresh air to the central London populace, but individual barristers did not wish to improve salubrity at the expense of their comfort. Members of the Inns repeatedly complained of “the shouting of children.” Noise was both a sign of disorderly society and a practical concern: most barristers practiced out of chambers at the Inns.⁴¹ In 1861 even the society’s gardener complained that he could not get *his* work done, as he was constantly distracted by having to keep “privileged Children & Nursemaids from making noises and climbing up the fences.” That same year a barrister threatened to sue the Inner Temple after tripping over a wire in the gardens—a measure intended to keep children off the grass—and breaking his kneecap in the fall.⁴²

Other petitioners feared that opening the Temple gardens permitted the unrespectable poor to encroach on what should have been a thoroughly respectable space. Drawn to the Temple gardens, residents complained, nearby slum-dwellers flaunted their raucous behavior and sexual impropriety along the way. Sunday evenings, they agreed, were the worst. In 1854, the rector of St. Dunstan in the West wrote the Inner Temple to ask that something be done about the

³⁹ “The Children in the Temple Garden,” *Pall Mall Gazette*, Sept 16, 1870.

⁴⁰ Charles Dickens, *Barnaby Rudge*, 188.

⁴¹ James H. Winter, *London’s Teeming Streets: 1830-1914* (London: Routledge, 1993), 71.

⁴² IT BEN Nov 22, 1861.

“very disgraceful scenes” that confronted his parishioners as they left his church. According to the rector, persons of “both sexes have come out of the [Temple] Gates ... in so disorderly a manner” that it upset many of his female congregants and stood “as a frequent source of temptation to Servants and other young persons.” Whereas newspaper accounts typically rendered children in the gardens as “aged 12 and downwards,” the rector’s account implied these young people were post-pubescent.⁴³ In 1861 a petition from twenty-five residents of Whitefriars complained of the disturbance of children seeking admission to the gardens, “the language and behavior is disgusting in the extreme, fighting and throwing stones is the rule.” A resident of the Temple suggested, “I am quite aware that ... you are actuated solely by the supposed benefit to these poor people but ... it would be far better for them to be in the Streets where they must conduct themselves with some decency.”⁴⁴ The poor, these writers suggested, were taking advantage of the opportunity for light and air, but they were hardly being improved by it. After the Middle Temple received an 1891 petition “on the subject of the inconvenience caused by the Admission of Children to the Garden” signed by no fewer than 198 members, the benchers vowed to look into the matter. As a compromise, the benchers closed off portions of the garden closest to the common room and Garden Court, one of the residential buildings favored by the wealthiest members of the profession.⁴⁵ Overall, however, the societies adamantly kept the gardens open to children.

Naysayers objected not merely to children’s presence at the Inns, but to outsiders in general, as hosting visitors created additional expenses and more work for the Inns, pulling resources away from the societies’ primary purpose as legal institutions. The gardener, for

⁴³ “The Temple Gardens,” *The Freeman’s Journal and Daily Commercial Advertiser*, Jul 6, 1872.

⁴⁴ IT BEN May 1, 1854, Jul 1, 1861, Jul 4, 1861.

⁴⁵ MT MPA Jun 12, 1891, Jun 19, 1891, Jul 2, 1891, May 6, 1892. The societies also allowed the Committee to reserve at least two lawn tennis courts for members’ exclusive use, which the Lawn Tennis Club later protested was insufficient for its 35 members. The bench remained unmoved by the players’ complaints.

example, complained of grass trampled by “the Rifle Gentlemen,” members of the Inns of Court Rifle Volunteers (a mixture of members from all four societies), and the resultant “increase of labour” which caused “other things to be neglected.”⁴⁶ In 1885 the benchers of the Middle Temple agreed to “abandon the Annual Show of Chrysanthemums on the grounds of economy, want of space, and the consequent additional labour involved.”⁴⁷ That same year a correspondent to the *Pall Mall Gazette* critiqued the Inn’s use, or rather misuse, of their funds by feigning indignation at the loss of the show. “Much as I admire the spending ... on flower shows, stately buildings, [and] ornamental services at the Temple Church, ... instead of on legal education, ... I protest against the action of these all too-mercenary Benchers.” Such expenditures, the author argued, were hardly justifiable if the society increased the rents for chambers—pricing out all but the most successful barristers—in order to pay for them. The correspondent also derided the flower show’s capacity for bringing women into the Temple, sarcastically mourning the loss of “the British matron, stout and energetic” and the “buxom, fresh-coloured daughter, with lawn-tennis shoulders.” A self-described “constant Tory,” the author implied that the Inns violated their own cherished culture and traditions in the name of frivolous and feminized pursuits.⁴⁸

Members of the societies more actively intervened in the lives of London’s poor by broadening their charitable impulses beyond the confines of the Temple, for example founding the Inns of Court Mission in 1897. The founding committee, led by the Lord Chancellor with the support of the Attorney General, envisioned an organization that would “assist the clergy in religious, social and educational work” in a manner not unlike existing public school and college settlements. Moved by the “strong and peculiar claim upon their assistance,” the committee

⁴⁶ IT BEN Nov 20, 1861.

⁴⁷ MT MPA Apr 17, 1885.

⁴⁸ “Rebels in the Temple,” *Pall Mall Gazette*, reprinted in *Law Times*, June 20, 1885.

agreed to work in the area between Holborn and the Strand because of its mixed population of “respectable artisans” and “lower and poorer classes,” as well as its connection to the spaces where the “majority of the members resided and practised.”⁴⁹ With the approval of the Bishop of London, the committee chose the Rev. H. G. D. Latham to run the mission, with help from members of the bar. Funded primarily by contributions from members of the Inns of Court, in 1904 the Prince of Wales (an honorary member of the Middle Temple) presided over the opening of a £8,600 premises on Drury Lane. Unlike its East End counterparts, the West End facility provided affordable housing for respectable, working-class young men and boys as well as the trappings of club life. It included a “large hall, coffee-bar, a billiard room, bagatelle-room, library, card-room, a committee-room, small club for boys ... three dressing-rooms and a caretaker’s flat,” as well as accommodation for up to 1,000 men and boys.⁵⁰ In addition to games and athletic undertakings like cricket, the mission became a major space of rational recreation, featuring a debating club, choral class, drama class, and a bank.⁵¹

Unlike the bar’s other philanthropic undertakings, the Inns of Court Mission had the unique goal of promoting socialization and interactions between members of the Inns and nearby working-class Londoners. In declaring “the object of the mission” to foster association between barristers and “the large number of men and boys ... in the immediate neighbourhood,” the Inns of Court Mission replicated the societies’ values of fraternity in an inter-class context and made Drury Lane a satellite of homosociability.⁵² The Lord Chancellor framed the undertaking in humanitarian terms, declaring it the responsibility of members of the legal profession to

⁴⁹ “The Inns of Court Mission,” *Times*, May 22, 1896. “The Inns of Court Mission,” *Times*, Apr 1, 1897.

⁵⁰ “Building News,” *British Architect*, Nov 25, 1904. At the time the mission had about 400 members. “The Inns of Court Mission,” *Times*, Nov 21, 1904. Seth Koven, *Slumming*, 243-244.

⁵¹ “Inns of Court Mission,” *Times*, May 23, 1925. Peter Bailey, *Leisure and Class in Victorian England* (London: Routledge, 1978).

⁵² “Inns of Court Mission,” *Times*, Oct 27, 1897. The mission did not, however, retain its purely masculine character. Fairly early on it enlisted ladies’ help in raising funds, and by 1925 it instituted a program for women and girls to attend once-a-week meetings. “Inns of Court Mission,” *Times*, May 23, 1925.

recognize the laborers of Drury Lane and the immediate vicinity as fellow “human creatures” for whom “the world should entertain sympathy and do what it could to make their lives brighter.” Of course, the degree to which the mission succeeded in allowing “the rich ... to learn to understand the poor, and ... the poor ... to understand the rich” is debatable. Early in its founding, for example, members of the Inns of Court were more willing to donate their money than their time. In its first year the mission amassed over 250 members, but the Rev. Latham lamented that only six volunteers from the Inns regularly helped out at Drury Lane.⁵³

The Inns and Outside Authorities

If the Inner and Middle Temples created porous boundaries for the surrounding populace, their interactions with their neighboring local polity, the Corporation of the City of London, were far more contentious. The Inns were legally as well as physically separate from the City, and as one Victorian memoirist explained, “The gentlemen of the Temple have always been very jealous of their rights.” For centuries the Lord Mayor, officials of the Ward of Farringdon Without, and the City Surveyor tried and failed to exercise jurisdiction in the Temple. Early modern attempts at exerting symbolic authority—such as the Lord Mayor carrying his sword and mace while on the premises—provoked violent reactions from students and inhabitants. By the nineteenth century custom dictated that the Mayor keep his sword down when in the Temple.⁵⁴ The Victorian Inns also performed symbolic acts of resistance, such as shutting their gates on Lord Mayor’s Day, to “protect the rights of the Inn.”⁵⁵ Furthermore, the societies countered the Corporation of London’s legal efforts to encroach on the Temple with successful petitions to parliament in favor of the Inns’ autonomy.⁵⁶ Groups of lawyers with close ties to powerful

⁵³ “The Inns of Court Mission,” *Times*, May 16, 1902. “The Inns of Court Mission,” *Law Times*, Apr 23, 1898.

⁵⁴ Stephen Coleridge, *Quiet Hours in the Temple* (London: Mills & Boon Limited, 1924), 106.

⁵⁵ MT8 SRV Staff Records.

⁵⁶ LMA Petition to the House of Lords, 1907.

parliamentarians, the societies were formidable foes in any legal battle. Through these parliamentary petitions the Inns ensured their exclusion from Acts encompassing everything from municipal elections to the maintenance of small pox patients, and they would continue to use the same means to protect their autonomy throughout the twentieth century.⁵⁷

The Inns successfully warded off City infringements, but by the mid-nineteenth century new centralized metropolitan authorities confronted the societies with farther reaching powers and parliamentary backing. In 1855, as part of parliamentary attempts to centralize London's patchwork infrastructure, the Metropolis Management Act created the Metropolitan Board of Works, tasked with the "paving, cleansing, lighting, and Improvements" to London's notoriously dysfunctional sewerage and drainage systems.⁵⁸ The scope of its projects spanned across the metropolis, and its dictates would trump those of local authorities. The Inns of Court had never faced such a foe. To be sure, the City Corporation may have had centuries of countless privileges confirmed by innumerable royal charters, a complex hierarchy topped by the Lord Mayor and festooned with sheriffs, aldermen, and councils, and the immense prestige that accompanied this history and structure. But at the end of the day the griffin's talons extended only one square mile. The Inns stood up to the City so successfully because the City was an admittedly powerful but equally bounded local authority. The jurisdiction of the Metropolitan Board of Works, by contrast, covered the entire area designated "London" in the 1851 census.

Bodies like the Metropolitan Board of Works and its successor the London County Council, which sought to standardize, rationalize, and consolidate the Victorian city, viewed the Inns of Court, to say nothing of the City Corporation, as a stubborn anachronism in the center of the metropolis. To be sure, the societies participated in the processes of improvement that

⁵⁷ IT BEN Apr 15, 1859, Jan 31, 1867, Feb 1, 1867.

⁵⁸ Metropolis Management Act, 1855, 18 & 19 Vict, c. 120.

dictated the terms of London's metropolitan modernity. But the Inns of Court preferred to pick and choose which infrastructures to integrate themselves into and which to undertake separately. As Patrick Joyce, Lynda Nead, and others remind us, improvements were often uneven and unresolved compromises between local government, private industry, competing vested interests, and traditional authorities.⁵⁹ The societies accepted patrols from the City Police in 1858, for example, and gave up their own fire engine in favor of the Metropolitan Fire Brigade in 1865. Yet they maintained their own separate sewer system; paved and cleaned their own streets; paid for the supply and upkeep of their streetlights; collected their own garbage; and supported their own foundlings and paupers.⁶⁰ In return, they expected to be exempt from rates for these various municipal services and to remain outside the domain of any authority carrying them out.

In 1860, due to the efforts of the Metropolitan Board of Works, the Temple faced a startling exception to indemnity from the dictates of outside legislation, as well as changes to the Inns' topography of a magnitude hitherto wrought only by city-wide fires.⁶¹ The Temple's solicitors warned the societies of a scheme pushed by a select committee of the House of Commons and promoted by the Board of Works. It would lay a sewer not under Fleet Street and the Strand, as was first proposed, but along the northern banks of the Thames. If the undertaking went forward, the solicitors warned, the "viaduct for a public Road" included in the plans would be raised ten or fifteen feet above the Temple Gardens and "completely cut off the Gardens from the River." Hitherto the Temple's southern boundary ended where the Thames began. [Figure

⁵⁹ Lynda Nead, *Victorian Babylon*; Patrick Joyce, *Rule of Freedom*; Gloria Clifton, *Professionalism, Patronage, and Public Service in Victorian London* (London: Athlone Press, 1982). David Owen, *The Government of Victorian London, 1855-1889* (Cambridge: Belknap Press, 1982).

⁶⁰ LMA Petition to the House of Lords, 1907.

⁶¹ Three early modern fires, including the Great Fire of 1666, destroyed significant portions of the Inns. The contemporary Inns' characteristic brick facades date back to the 1667 Rebuilding Act, which stipulated brick over timber to reduce fire risk. Geoffrey Tyack, "The rebuilding of the Inns of Court, 1660-1700," in *The Intellectual and Cultural World of the Early Modern Inns of Court*, ed. Jayne Elisabeth Archer, Elizabeth Goldring, and Sara Knight (Manchester: Manchester University Press, 2011), 203.

2.7] In fact, early modern Templars had regularly traveled by boats launched from Temple dock. In 1860 the societies did not pretend that direct access to the river was necessary for members' commutes (though they would later go to extremes to preserve their right to the dock), but the loss of a river view would diminish property values by destroying their "privacy and ... ornamental character."⁶² The Inns' deference to the Metropolitan Board of Works thus signaled the societies' diminished authority, symbolic and literal, and raised questions of aesthetics and their translation into pounds, shillings, and pence.

Well before the Board finalized plans for the project, the societies had to invent new ways of exerting some influence on the undertaking. With members nominated by the vestries rather than elected, the MBW had little reason to be swayed by popular opinion or local authorities, including the Inns of Court.⁶³ The Middle Temple's engineer warned that the "Commissioners [of the Board] are not disposed to regard private interests with much favour and therefore any detailed discussion with them as to the wishes of the Middle Temple Authorities had better be avoided." The Inner Temple solicitor agreed but suggested a different tack. He proposed that the society's surveyor explain to the committee that the Temple's shoreline, "one of the important features of London," would be deteriorated, if not destroyed, by the project. He also proposed that the Temple gardener testify as to "the thousands of persons who are in the habit of resorting to, and having the enjoyment of the Gardens."⁶⁴ No one was under any illusions that the societies' objections could much affect the works, but by mobilizing rhetoric

⁶² IT BEN Jun 1, 1860. MT MPA Jun 12, 1861.

⁶³ The structure of the Board also gave it little reason to take into account popular opinion, making it ill-loved by Londoners whose rates paid for its workings. A series of scandals and charges of corruption did little to improve its reputation. See David Owen, *The Government of Victorian London, 1855-1889*. Gloria C. Clifton, *Professionalism, Patronage and Public Service in Victorian London*.

⁶⁴ IT BEN Jun 1, 1860. MT MPA Jun 12, 1861.

about the Temple as a hallmark of Old London and as a space of benefit to the greater public, the benchers hoped that the committee might concede something in the societies' favor.

Framing the Inns as a space of public recreation and civic benefit proved a successful strategy for the societies to mitigate the effects of the construction along the Thames. In 1862, Parliament finally passed an act that empowered the Metropolitan Board of Works to build a sewer, subway, railway, and roadway along the north bank of the Thames, by reclaiming land from the river.⁶⁵ The Victoria Embankment would stretch from Westminster to Blackfriars Bridge, and the Temple would no longer be a riverfront property. The Inns, however, successfully petitioned the Office of Works for compensation in light of their diminished property values and struck a deal with the Board. By the terms of the Thames Embankment Act 1862, the Inns would receive 120 feet of land reclaimed from the river to add to their gardens, with eighteen inches of garden soil included at the project's expense. The Board would also provide a gate for each society, as well as a gardener's lodge, though the Inns would never be permitted to build anything more permanent than this one-story structure on the property. The real estate offset the societies' losses, while the greenery, visible from the embankment and guaranteed to remain undeveloped, would provide an aesthetic benefit to the public and additional grounds for those enjoying the gardens.⁶⁶

After a prolonged construction process—in which Temple tenants complained to benchers of noise and disruptions, benchers harassed the Board about construction delays, and the Board routinely blamed the Metropolitan District Railway for slowing their progress—the

⁶⁵ The MBW was in fact acting through the Thames Embankment Board, consisting of four members of the Metropolitan Board of Works, two of the City Corporation, and the Chairman of the Metropolitan Board of Works.

⁶⁶ LMA Report from the Select Committee on the Thames Embankment Bill 1862 as quoted in the LCC Architecture Department Memorandum Mar 14, 1898.

MBW finally completed the Victoria Embankment in 1870.⁶⁷ [Figure 2.8] The project successfully diverted waste from flowing directly into the Thames, though not as efficiently or completely as its engineers had hoped.⁶⁸ Traffic noise replaced construction noise at the Inns' southern border, and members bemoaned the "dull wearying hum of trains" from the District Railway.⁶⁹ The embankment's promenade allowed pedestrians to peer into what had once been the societies' secluded gardens.⁷⁰ More positively, the new roadway and railway line provided an efficient means to travel to the Westminster law courts. Of course, as one member complained, the Inner Temple stubbornly refused to open their southern gate to carriages, leaving drivers to either deposit their passengers on the embankment footway or drive them all the way around to the northern gate.⁷¹ Furthermore, work on the new Royal Courts of Justice, an undertaking that relocated the High Court and Court of Appeal from Westminster to the Strand—that is, almost directly across the street from the Middle Temple—began the same year the embankment was finished. Barristers were thus able to enjoy the benefits of swift travel to Westminster for about a decade before the new courts obviated the need for regular trips in that direction.

If anyone imagined that the end of the construction of the embankment would signal the end of the Inns' complaints about it, they were much mistaken. In subsequent decades the reclaimed land given to the societies by the Embankment Act became the source of conflicts regarding everything from rate assessment to the Temple's sole right to dock and launch boats

⁶⁷ IT BEN. MT MPA.

⁶⁸ The Board faced a daunting series of obstacles along the way, including professional rivalries, bureaucratic obstructions, and parliamentary confusion. The completed project did not account for heavy rains, at which times storm valves opened to relieve pressure on sewers and shot waste directly into the Thames. Jerry White, *London in the Nineteenth Century*, 55.

⁶⁹ Arthur Munby, *Man of Two Worlds* ed. Derek Hudson (Boston: Gambit, 1972), 175.

⁷⁰ Even so, a letter to the editor complained of the "massive iron screen as now marks the boundary and obscures the contemplation" of Temple Gardens. THE MAN ON THE EMBANKMENT, "The Templars and their Gardens," *Pall Mall Gazette*, Feb 25, 1898.

⁷¹ PLAIN STUFF, "The Embankment and the Temple," *Times*, Jun 14, 1875.

from Temple Landing Place. Generally the societies got their way by petitioning Parliament, as they did in contemporaneous conflicts with the City Corporation.⁷² They were not above conducting symbolic acts of authority, however, even if it meant chartering a steamer for a river trip for no other purpose than to assert their right to the dock.⁷³

In 1898, however, the Inner Temple found itself in a frustrating bind that neither petition nor act of symbolic authority could resolve. Membership in the society had expanded at such a rate that it “urgently needed” “increased accommodation.” The Inn wished to extend King’s Bench Walk, a row of buildings on its eastern border, onto a portion of the reclaimed lands. The Embankment Act 1862, however, prohibited expansion on these lands; the societies had agreed to erect nothing larger or more permanent than the one-story gardener’s lodge. Hoping to lift this restriction, in late February 1898 the society introduced a bill into Parliament to allow them to expand King’s Bench Walk. The bill asked for about eighty feet of the reclaimed land on which they hoped to erect new chambers.

The local and national press universally denounced the bill, accusing the Inner Temple of acting for base reasons at the expense of the public good. As the *London Argus* explained, “Any scheme ... which aims at curtailing ... the area of the few open spaces left to London is sure to meet with severe criticism.” Both the Conservative *Times* and the Liberal *Pall Mall Gazette* suggested that the greedy Inns were seeking to obtain “building land on the cheap,” and that they should count themselves lucky the 1862 Embankment Act gave them land at all. They would not, asserted the latter paper, “get such a nice little present in these days.” Beyond this, the ultra-conservative *St James Gazette* suggested that the real motivation for construction was not to expand cramped chambers, but to block the view of the soon-to-be-erected Employers’

⁷² LMA Rating of Reclaimed Land Act 1920.

⁷³ MT MPA Jun 11, 1880. IT BEN May 29, 1934.

Liability Insurance building at the Temple's eastern boundary. "The Inner Temple desires to have its gardens overlooked by buildings of its own," the paper explained, "... rather than by the back windows of its neighbours." The *Times* worried that for such a petty reason "the Temple-gardens, which add so much to the beauty of the embankment ... will be shut out from public view." Similarly, the *Evening Standard* suggested that the public had a right to the gardens as they "...teem with associations historic, regal, literary, and legal."⁷⁴ In so asserting the paper used the familiar trope of the Inns as a site of British heritage to limit rather than bolster the society's authority over its grounds. For the *Standard*, it was the popular press, rather than the institution, that should arbitrate cultural heritage.

At the heart of this conflict lay a competition for the right to define public good and the best means of providing public benefit. In parliamentary review, opponents of the bill to extend King's Bench Walk concurred with the press. The Metropolitan Board of Works had turned the Temple gardens into a public spectacle, giving promenaders the right of peering in whenever they desired, all in the name of the Temple's vaunted history and importance to British cultural heritage. The opposition to the bill asserted that metropolitan authorities had an obligation "to maintain in its integrity any bargain made with the public."⁷⁵ The Inner Temple, by contrast, suggested that it deserved public consideration for its expansion project on the grounds that it had for so long voluntarily aided public welfare, "throw[ing] open the gardens, at no small expense, every evening during the summer months." The society did not dispute the importance of the public good, but it demanded the right to control its landscape and restore the balance of mystery and proximity it so prized. Unfortunately for the Inn, the subcommittee of the House of Lords was not persuaded by this argument. They decided, "That it is not expedient to proceed

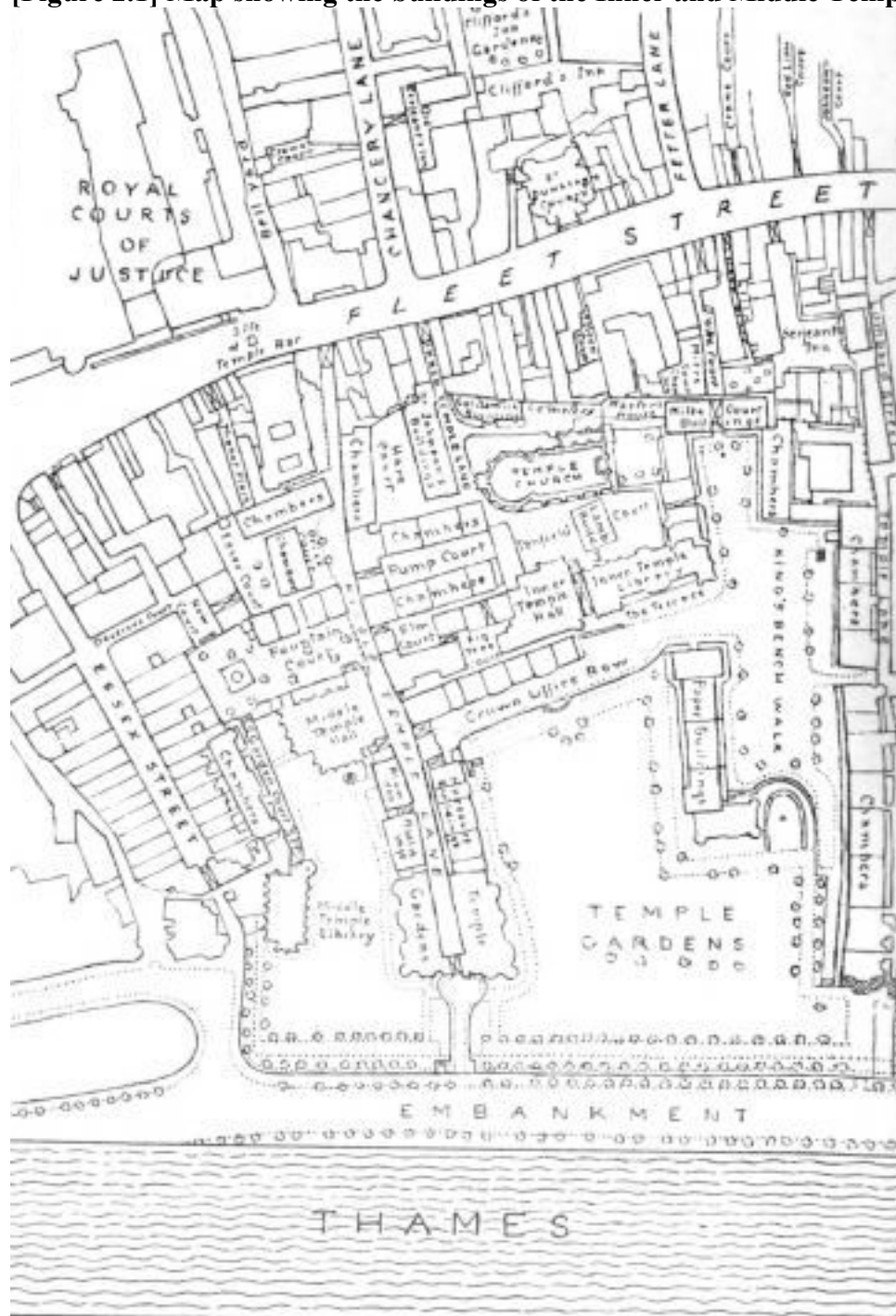
⁷⁴ "The Temple Gardens," *Times*, Feb 23, 1898. "The Templars and Their Gardens," *Pall Mall Gazette*, Feb 23, 1898. LMA Clippings from London County Council Architect's Department B. A. 13125.

⁷⁵ "King's Bench Walk," *Daily News*, Mar 19, 1898.

further with the Bill.” In so doing the Lords privileged centralized over local authority and affirmed the Temple’s status as a sight of permanent display.

If the Inner Temple decidedly lost the battle over expanding King’s Bench Walk, it is important to remember that the 1898 Bill was one skirmish in a much longer conflict between the Inns and outside authorities. The Inns’ relationship to the Board and the capital overall remind us that the processes of rationalization were contingent, uneven, and never divorced from a deep valuation of London’s history. At the same time, the building of the Victoria Embankment and subsequent related controversies were only one of a variety of parliamentary interventions that the Inns had to navigate in the nineteenth and early twentieth centuries. As the next chapter details, the Victorian rationalizing impulse extended not only to reforms of the city, but also the gentlemanly professions of medicine, the army, the civil service—and law.

[Figure 2.1] Map showing the buildings of the Inner and Middle Temples





THE GRAPHIC, MAY 21, 1870

THE PRINCESS LOUISE AT THE NEW INNER TEMPLE HALL

[Figure 2.5] “The Princess Louise at the New Inner Temple Hall,” *Graphic*, May 21, 1870.

[Figure 2.3] LMA Women promenading in King's Bench Walk



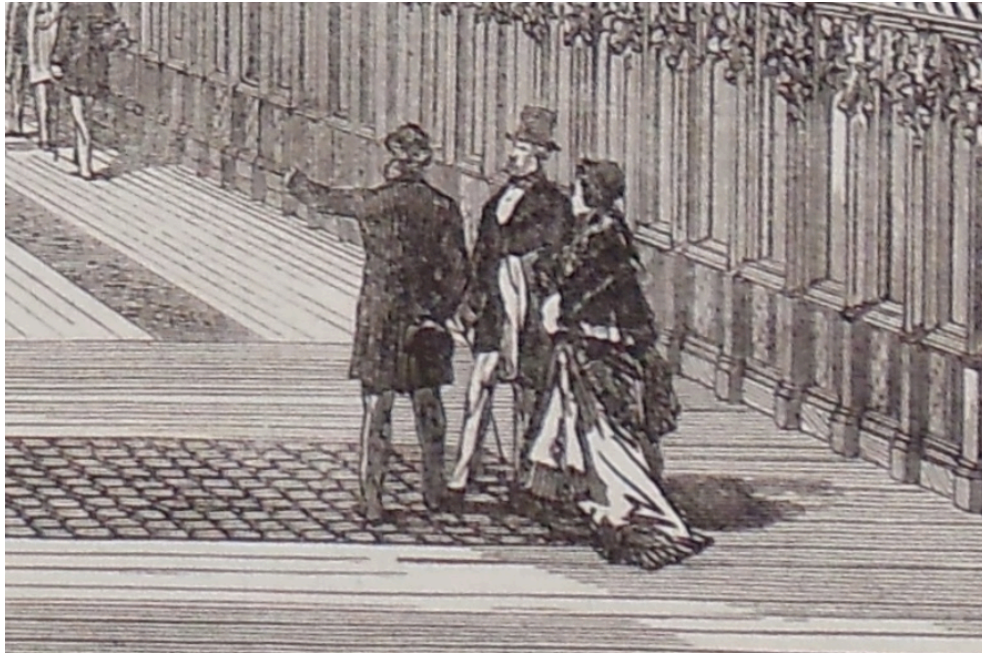
[Figure 2.2] Inner Temple Chrysanthemum Show 1854, *Illustrated London News*

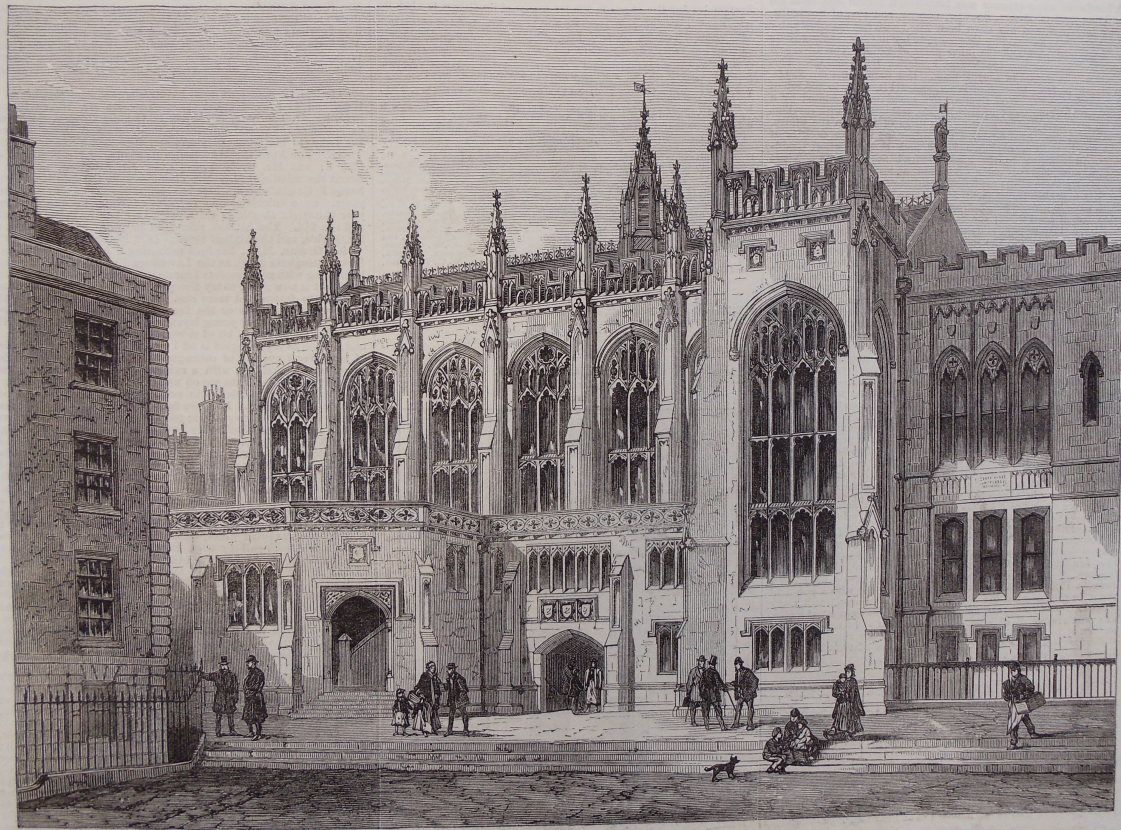


[Figure 2.4] Interior of the new Inner Temple Hall 1870, *Illustrated London News*



[Figure 2.4A] Enlarged *ILN* detail

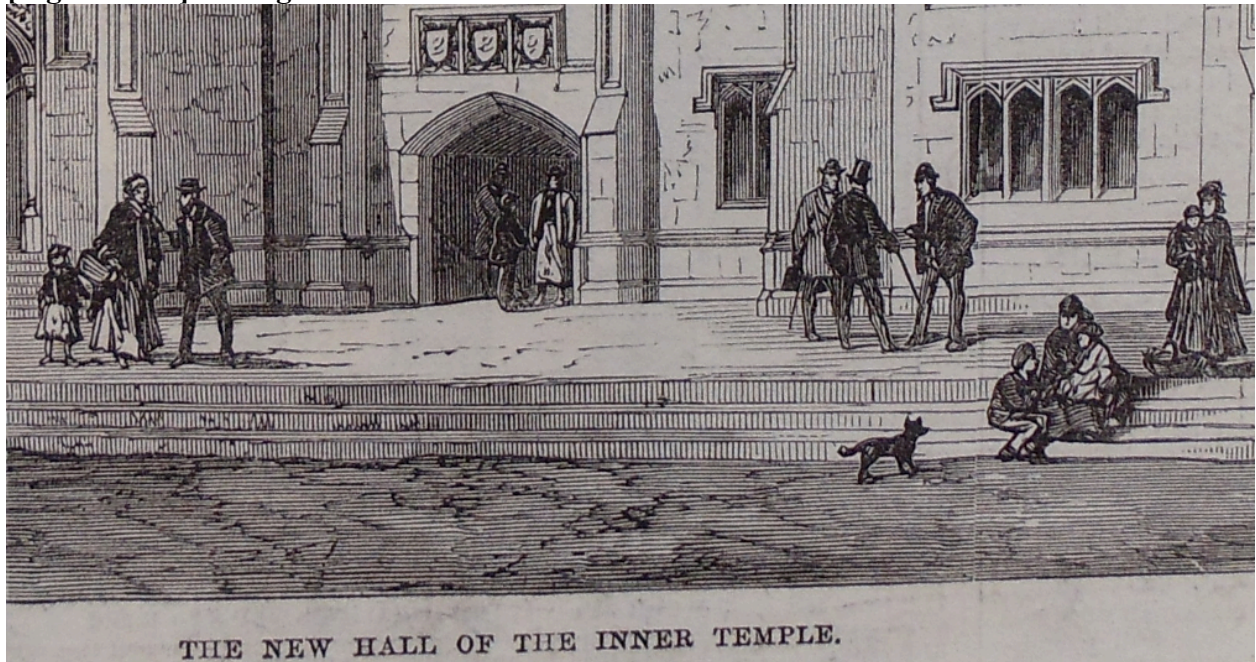




THE NEW HALL OF THE INNER TEMPLE.

[Figure 2.6] Exterior of the Inner Temple Hall 1870, *Illustrated London News*

[Figure 2.6A] Enlarged detail



THE NEW HALL OF THE INNER TEMPLE.

[Figure 2.7] Cross's New Plan of London 1861, showing the societies' grounds extending to the river's edge



[Figure 2.8] Map of London 1868 by Edward Weller, showing the embankment and site of the new Royal Courts of Justice



Chapter 3 – Gentlemanliness, Etiquette, and Discipline

In 1868, the benchers of the Inner Temple called William Gill before a disciplinary committee to decide whether or not to disbar him. The year before, the society received a letter from a Scottish woman named Mary Dodd detailing “the facts” of her “unmitigated swindling” by Gill, who had reduced her “to a state of perfect destitution.” According to Dodd, Gill seduced her, defrauded her, then left her and their child in “a state of starvation.” He was not, Dodd felt assured, “a fit member of your Honourable Court.”¹ Sixty years later, in 1928, another member of the Inner Temple, William Stafford Levinson, failed to appear at his own disciplinary hearing. Levinson also stood accused of defrauding a woman, in this case in the foreign outpost of Shanghai. Worse than that, it seemed Levinson had falsified various official documents for admission to practice in the British Supreme Court in Shanghai. By the time the acting judge discovered these fabrications, Levinson had already defrauded his widowed client, closed his bank accounts, and fled Shanghai on a Russian emergency passport. Not only was Levinson not the British subject he had claimed to be, but his travel patterns suggested he might be a Bolshevik.²

The disciplinary cases of Gill and Levinson, which bookend this chapter, exemplify the ways that the rules and etiquette of the Victorian Inns of Court persisted but were also transformed by the geopolitical context of the early twentieth century. To a certain degree, offenses that resulted in disbarment carried through from the mid-nineteenth century. The societies almost always disbarred members who committed illegal actions, for example, such as defrauding a client. Discipline at the Inns was also bound up in notions of gentlemanliness, honor, and respectability. Both Gill’s and Levinson’s exploitation of vulnerable women, and

¹ IT BEN Nov 5, 1867.

² IT DIS/1/L1.

their duplicity, violated the bar's standards of honor and forthrightness. In Gill's case, however unusual it was for the Inns to comb through the details of a barrister's soured romance, the issues of fraud and disreputable behavior were familiar enough to the Victorian societies. Other barristers had swindled their clients and acted in ungentlemanly manners, if under somewhat less salacious circumstances. Levinson, however, compounded these familiar infractions with radical political actions disloyal to Britain and its empire. As one of several newly controversial figures arising out of the massive social and political transformations of the early twentieth century, he represented both political extremism and foreign danger. Communists, along with conscientious objectors and Indian nationalists at the Inns, forced the societies to consider a series of ethico-political questions regarding national loyalties, issues with which the Victorian societies had not had to contend. The questions surrounding these cases might still involve issues of legal etiquette and gentlemanliness, but they more firmly rested on the tension between British citizenship, radical political expression, and membership in conservative institutions deeply entrenched in the established order.

Gill and Levinson were subject to a series of rules and historical precedents, unwritten until the mid-nineteenth-century Consolidated Regulations, that delineated acceptable and unacceptable behaviors for members of the Inns. Legal etiquette defined the parameters of professional practice and the relationship between barrister and solicitor, and barrister and client. Its tenets also helped to ensure the gentlemanly character of the bar. As we saw in chapter one, customs and rituals existed to imbue the barrister "with a reverence for the rules of his profession."³ When members of the Inns violated these norms, however, various forces intervened. Jurist A. V. Dicey argued that professional opinion, rather than formal penalties, was the strongest force regulating barristers' actions. The circuit messes had further powers, such as

³ A. V. Dicey, "Legal Etiquette," *Fortnightly Review*, 2 (1867), 175.

expulsion from the mess, to discipline practice and behavior in court or while on circuit. This chapter is primarily concerned, however, with the role played by the benchers of the Inns, in whose hands professional membership ultimately rested. It therefore focuses on both barristers' professional practices and personal politics—from fraud to Bolshevism—that did not accord with the Inns' gentlemanly standards.

Legal etiquette had long been flexible, or as critics would put it, poorly defined. Even the 1864 Consolidated Regulations did not capture and codify every aspect of etiquette. Members of the profession could therefore dispute which aspects of legal etiquette were strictly to be followed and which were customary but not inviolable. Determining what constituted ungentlemanly behavior similarly created gray areas. Exactly how much leeway did a member of the Inns have in his conduct before he was deemed to have behaved in a manner unworthy of a barrister? Societal procedure called for the benchers of the Inns to interpret barristers' actions based on precedent set by earlier disciplinary cases, but the benchers' approach was hardly systematic. Instead, the Inns judged cases on an ad hoc basis, giving greater or lesser weight to standards and precedents depending on their investment in a particular case's outcome. Notably, the Inns also lacked a centralized method of professional oversight, instead disciplining members brought to the societies' attention by outside parties, be they court and government officials or members of the public.⁴

The flexibility of etiquette, coupled with the policing function of professional opinion and the absence of an overarching supervisory mechanism, meant that out of the thousands of practicing barristers, perhaps fewer than one or two per year came before the Inns for

⁴ In this respect the Inns were similar to other Victorian disciplinary institutions, such as the police. Stefan Petrow, *The Metropolitan Police and the Home Office in London, 1870-1914* (Oxford: Oxford University Press, 1994). Phillip Thurmond Smith, *Policing Victorian London* (Westport: Greenwood Press, 1985). Terry Stanford, *The Metropolitan Police, 1850-1940*, PhD Thesis, (University of Huddersfield, 2007).

disciplinary hearings.⁵ The exact number of these cases is difficult to quantify, however, as the societies kept only haphazard records of the proceedings. Between 1800-1860, the four Inns combined disbarred only ten barristers. Three of these came from the Middle Temple, one from the Inner, and all four were disbarred between 1846 and 1851.⁶ In the eighty years following, I have encountered at least eighteen disciplinary cases (fourteen disbarred) from the Middle Temple and fourteen cases (ten disbarred) from the Inner. Even if the thirty-two cases were doubled or tripled, a very small fraction of the profession ever faced direct disciplinary action from the Inns, and an even smaller fraction were expelled from the societies.

Notably, disciplinary cases at the Inns occurred in temporal clusters, in part fueled by newspaper publicity. The societies disciplined more members during moments of heightened external scrutiny, such as during the convergence of parliamentary calls for reform and media scandals surrounding high-ranking members of the bar in the 1860s.⁷ The societies also disciplined more members during periods of newsworthy political tumult, like the early decades of the twentieth century. The press devoted uneven attention to barristers' professional misconduct. Fleet Street did not waste ink on barristers who violated obscure tenets of legal etiquette of little interest to the public. Papers did, however, report on offending members of the profession already in the public eye from their participation in contested, high profile court cases, such as Edward Kenealy, defense for the 1873-4 Tichborne claimant. The press also followed the disciplinary cases of members of the bar whose infractions originated in print, for example

⁵ In 1885, for example, the Law List included 7,250 barristers. Daniel Duman, *The English and Colonial Bars* (London: Croom Helm, 1983), 50.

⁶ David Woolley, "The Inn as a Disciplinary Body," in *A History of the Middle Temple*, ed. Richard O Havery, (Portland: Hart Pub., 2011), 357-372.

⁷ It may have been fewer than one barrister per year called before the benchers. W. Wesley Pue, "Moral Panic at the English Bar," *Law & Social Inquiry* (Winter, 1990), 56.

barrister Shyamji Krishnavarma, who published anti-British editorials in 1909.⁸ Newspapers thus brought barristers' misdeeds to the Inns' attention, and also put pressure on the societies to censure offenders and reassure the public they could keep their members in check.

If few in number, disciplinary cases nevertheless reveal the societies' changing interpretation of standards required for barristers to fulfill their duty as advocates, as well as the Inns' shifting understanding of the role of legal institutions within Britain and its empire. The vague parameters of legal etiquette allowed the societies to emphasize or minimize various portions of its tenets. Disciplinary cases highlight the societies' particular preoccupations, revealing the gradual politicization of those aspects of legal etiquette most fiercely regulated by the Inns. The cases thus illuminate how the societies responded and adapted to social and political pressures from outside the Inns, from demands for rational reform to contestations over the best means of imperial governance. The cases expose tensions and disagreements within the societies, particularly regarding questions of political commitments and personal conscience. They remind us that, rather than monolithic institutions, the Inns were composed of a variety of members whose politics and priorities did not always align.

Counterintuitive though it may seem, the disciplinary process for practitioners of law was an extrajudicial one. Barristers or law students who came under the benchers' scrutiny generally received letters from their Inns calling them to account for offending actions. They or a representative party could then defend their deeds at a gathering of whichever benchers felt

⁸ On Kenealy's disbarment see, "Notes from Our London," *York Herald*, Mar 18, 1874. "From Our London Correspondent," *York Herald*, May 15, 1874. "From Our London Correspondent," *York Herald*, June 29, 1874. "Dr. Kenealy Disbenched," *Lincoln, Rutland, Stamford Mercury*, Aug 7, 1874. "Stray Notes," *Preston Guardian*, Aug 8, 1874. "Our London Correspondent," *Morpeth Herald*, Aug 15, 1874. "London Sayings and Doings," *Wrexham Advertiser*, Aug 15, 1874. "The Tichborne Mania," *Penny Illustrated Paper*, Nov 14, 1874. "Latest News," *Freeman's Journal and Daily Commercial Advertiser*, Nov 20, 1874. "The Benchers and Dr. Kenealy," *Birmingham Daily Post*, Nov 24, 1874. "Letter from London," *Cheltenham Chronicle*, Nov 24, 1874. "Dr. Kenealy was on Wednesday disbarred," *Star*, Dec 5, 1874. On Krishnavarma's see, "Disbarring an Indian Agitator," *Manchester Guardian*, Apr 1, 1909. "Editorial," *The Courier and Argus*, Apr 21, 1909. "The Indian Budget," *Times*, Aug 6, 1909.

compelled to attend, generally held in the evening after dinner. For a disciplinary hearing that stretched across multiple meetings, nothing guaranteed that the same benchers who had attended the first would attend subsequent sessions, and vice versa. At the hearing, much was left to the benchers' interpretation and discretion, as they acted as prosecution, judge, and jury. If a barrister or student wished to challenge a decision, he could petition the judges of the High Court to sit as a tribunal of appeal. If the judges agreed to do so, their decision overrode that of the benchers, though only rarely did the conclusions diverge.

The infrequency of formal disciplinary measures, coupled with the tenets of legal etiquette itself, allowed the Inns to maintain the elite character of the bar with minimal interventions by the societies. To be sure, to some extent the Inns sought to actively shape the makeup of the profession. The societies' prohibitions against engaging in trade or advertising in newspapers, for example, or its granting of privileges for those with university educations, courted the well-to-do. Attracting patrician members grew increasingly important for the Victorian Inns, as over the nineteenth century the profession developed a middle-class rather than genteel core. At the same time, however, the societies opposed standards such as qualifying examinations that would winnow the students eventually called to the bar. Instead the Inns espoused a sink-or-swim attitude toward professional practice, believing that a combination of inborn intellect and self-application, rather than examination and prescribed academic regimen, should determine success at the bar. As far as the Inns were concerned, the dictates of legal etiquette, combined with self-directed legal learning, sufficed to keep the profession stocked with high-quality barristers.

In contrast to this continuing hands-off approach to legal education and discipline, outside the Inns the same civic-minded social impulses that drove transformations to the city

likewise inspired Whig and Liberal MPs to push for law reform for the public good. Henry Brougham, Whig politician and soon-to-be Lord Chancellor, ignited the fires of reform with an 1828 speech on sixty-two defects of the law and legal profession. Brougham and other reform-minded Whig and Liberal politicians insisted law should be cheaper and more accessible to the public. They questioned the unbridled powers of the Inns of Court, institutions “whose functions are not of a public and responsible kind.”⁹ Spurred by the efforts of Richard Bethell (later Lord Westbury), an advocate of legal education, Parliament established three committees between 1834 and 1854 to investigate the state of the legal profession.¹⁰ Reformers like Bethell demanded qualifying examinations, systematized legal education, and an outside body to monitor the workings of the legal profession. MP reformers argued that as advocates for the public, barristers needed to be accountable to the public. They remained unconvinced that calls to the bar without proper training and preparation could ensure the character and competence of members of the profession. The societies defended themselves from assaults on the privileges of the bar by initiating self-directed reforms that simultaneously met some reformers’ demands for rationalization while reasserting the authority of the Inns. Furthermore, despite the zeal of certain individual reformers, Parliament overall had little motivation to reshape institutions that, if imperfectly meritocratic, were more or less functional.¹¹ The societies’ ad hoc method of governance thus endured long-after Victorian reformers gave up their efforts.

Victorian debates over the governance of the Inns of Court, like the tensions with the Board of Works in the previous chapter, represented a conflict between the Inns’ ancient, independent authority and Liberals’ attempts to consolidate and order the nation’s professions,

⁹ Brian Abel-Smith and Robert Bocking Stevens, *Lawyers and the Courts* (London: Heineman, 1967), 29. *Sixth Report of Common Law Commissioners* 1834, as quoted in Abel-Smith and Stevens, *Lawyers and the Courts*, 64.

¹⁰ Daniel Duman, *The English and Colonial Bars*, 55.

¹¹ Daniel Duman, *The English and Colonial Bars*, 65.

institutions, and bureaucracies. The societies held the primary regulatory power over the profession, and each society's authority over its own Inn was nearly absolute. With decisions fragmented between four bodies, the Inns did not match the models of Victorian professionalization outlined by historian Harold Perkin and others.¹² The Inns of Court therefore provided an alternate model of professional modernity, in contrast to the army, civil service, and other respectable professions, in which organization via long-held values triumphed over meritocratic reform.

By the early twentieth century the Inns no longer feared change from without via direct parliamentary intervention. Instead they worried about whether and how to accommodate a growing number of dissident members within their ranks. The shifting global political context challenged the Inns with an increasing number of disciplinary cases in which members' actions fell outside established categories of permitted and proscribed behavior altogether. Anti-imperialism, world war, and Bolshevik revolutions forced the Inns to reinterpret their regulations, sometimes in order to defend or disbar particular violators. Ideological issues involving questions of free speech, political association, and action subsumed the policing of gentlemanly conduct. Could an Indian nationalist be disbarred merely for his written opinions? Had a student convicted of sedition really behaved in an unworthy manner if he acted to oppose deeply illiberal legislation? At what point did a political statement become a betrayal of British subjecthood and nation, and what role should the bar play in policing such distinctions? As they always had, the Inns deliberated over and judged these cases in an ad hoc fashion, their conclusions reflecting changing notions of foreign danger and a narrowing of the societies'

¹² William Joseph Reader, *Professional Men* (New York: Basic Books, 1966). Harold Perkin, *The Rise of Professional Society* (London: Routledge, 1989).

cosmopolitan vision rather than mutually agreed upon norms of professional etiquette and practice.

Legal Etiquette and the Character of the Bar

Throughout the nineteenth century and into the twentieth, law became an increasingly stratified and heterogeneous profession. Members of an upwardly mobile middle class joined the sons of successful merchants and a core of noble elites at the bar. The distinction in prestige between barristers and solicitors shrank at the same time that the bar flooded with barristers, leaving many without work. A growing colonial element added further diversity, as natives of Britain's colonies joined Anglo-British civil servants at the Inns in the hopes of inserting themselves into colonial bureaucracies.¹³ In the face of these changes, how could the societies ensure the gentlemanly character of the bar?

One answer was to police the sharp distinction between engaging in a profession and engaging in trade. A barrister did not earn wages, but was paid an honorarium by the solicitor in the case. The lack of direct financial relationship between barrister and client maintained the barrister's position as an independent professional.¹⁴ The Inns emphasized the difference between barristers and solicitors, and roundly opposed any proposals that would blur the two sides of the legal profession. As mentioned earlier, if a solicitor wished to become a barrister he had to have been struck from the roll of solicitors for at least three years prior to his call to the bar.¹⁵ Over the course of the nineteenth century, commerce became an increasingly acceptable source of wealth for members of the British elite, but legal etiquette prohibited law students and

¹³ Daniel Duman, *The English and Colonial Bars*. Raymond Cocks, *Foundations of the Modern Bar* (London: Sweet & Maxwell, 1983).

¹⁴ The honorarium meant that barristers did not have the right to sue for non-payment of fees, but also that clients could not prosecute barristers for non-appearance in court or negligence in conducting a case. See court decision *Kennedy v. Brown* 1863. Daniel Duman, *The English and Colonial Bars*, 43.

¹⁵ IT BEN Mar 30, 1875.

barristers from pursuing any trade while they remained members of the Inns.¹⁶ Entrepreneurial barristers faced the censure of the benchers for offenses such as running manufactories or cinema companies. Members of the bar who were uncertain whether their pursuits violated etiquette could write to the benchers of their Inn to find out.¹⁷

Legal etiquette not only proscribed barristers from engaging in trade, it also prohibited practices or behaviors associated with trade, such as the use of advertisements. For the Inns, advertisement could mean courting publicity in a newspaper. In 1899, for example, the Middle Temple issued a warning to the Attorney General of the Leeward Islands who had advertised in the local papers there, reminding him that such practices were “most objectionable.”¹⁸ Advertising could also mean courting solicitors, a violation of the maxim A. V. Dicey shorthand, “thou shalt not hug attorneys.”¹⁹ In 1894, the Middle Temple admonished Laurence Ginnell for writing “to various Solicitors requesting them to send him business,” deeming the solicitations to be a “grave Breach of the Professional etiquette of the Bar.”²⁰ Solicitors were meant to seek out barristers based on their reputations. Ginnell, like others beginning their careers, faced the inevitable dilemma that the only way to establish a reputation was by holding briefs and the only way to hold briefs was by establishing a reputation. He expressed “unqualified regret for his conduct” and was censured but not disbarred.

In addition to tenets particular to legal etiquette, barristers in the courts and common spaces of the Inns were expected to conduct themselves in a general gentlemanly fashion. In 1913, student Major W. A. Adam accused barrister Emanuel Wright of deliberately stealing his

¹⁶ Charles Shaw, *The Inns of Court Calendar* (London: Butterworths, 1878).

¹⁷ IT BEN Dec 21, 1866, Apr 20, 1915.

¹⁸ MT MPA Jan 15, 1910.

¹⁹ A. V. Dicey, “Legal Etiquette,” *Fortnightly Review*, 2 (1867), 175.

²⁰ Raymond Cocks, “The Middle Temple in the Nineteenth Century,” in *History of the Middle Temple*, ed. Richard O Havery (Portland: Hart Publishing, 2011), 328. MT MPA Jan 12, 1894.

umbrella from the library cloakroom. Wright insisted that he had unwittingly substituted the umbrella for his own, but when he tried to return the umbrella to Major Adam, a heated correspondence ensued. Major Adam, unconvinced that Wright had taken his umbrella by mistake, threatened to “place the matter in the hands of the police.” Wright, offended by the accusation of the umbrella’s “fire-eating proprietor,” “invite[d] him to go to hell.” Eventually this dispute landed both parties before a disciplinary committee of benchers, and the two men, perhaps equally embarrassed, apologized and shook hands.²¹ In cases such as this, the benchers objected not so much to the insults themselves—though they disapproved of foul language—as to the loss of reason and self-control such defamations implied. Similarly, it did not matter that the stolen article in question was an easily replaceable accessory. To knowingly take something that belonged to someone else was dishonest and dishonorable, an action unworthy of a barrister.

For the Inns of Court, rules governing conduct and gentlemanliness were enough to ensure the proper functioning of the bar, but in the mid-nineteenth century the societies, like the other elite professions, faced heightened external scrutiny from reform-minded Members of Parliament and of the bar. Utilitarian reformers, looking to centralized continental and American models of legal education and professional organization, objected to the many-headed structure of the bar’s authority. They did not find the societies’ medieval origins compelling justification for their continued existence.²² Liberal politicians like Richard Bethell challenged the Inns’ independence, contending that the societies should not be treated as exclusively private institutions, given that they routed men to public professional positions. In 1854, with Bethell’s support, Sir Joseph Napier (a Tory MP, but one who valued education) secured the appointment

²¹ IT BEN May 27, 1913.

²² William Joseph Reader, *Professional Men*. Harold Perkin, *The Rise of Professional Society*. Raymond Cocks, “The Middle Temple in the Nineteenth Century,” in *History of the Middle Temple*, 303. Christopher W. Brooks, “The Decline and Rise of the English Legal Profession, 1700-1850,” in *Lawyers, Litigation, & English Society Since 1450*, ed. Christopher Brooks and Michael Lobban, (London: Hambledon Press, 1998), 129-149.

of a parliamentary committee to investigate the efficacy of legal education.²³ This committee cast barristers as potential public dignitaries who were thus accountable to the public. Barristers, the commissioners argued, enjoyed certain privileges: indemnities against charges of negligence; the sole right to plead for others in the Superior Courts of Westminster; exclusive eligibility for appointments of the offices of Recorder, Judge of a County Court, and Police Magistrate, as well as for numerous colonial judicial appointments. The committee reasoned that “the community is surely entitled to require some guarantee—first, for the personal character, and next for the professional qualifications of the individuals called to the Bar.” Though the Inns did an adequate job regulating the former, the committee felt that only by instating entrance and qualifying examinations could the societies properly assess the intellectual capabilities of their members.²⁴

The debates over the adequacy of legal education raised questions about the nature of professional training and whether it should look like older models of apprenticeship, or newer modes of university education. In 1846, for example, a parliamentary Committee on Legal Education (initiated by Bethell) encouraged the Inns to resurrect moots and other teaching practices that had died out after the Civil War.²⁵ Such practices required the Inns to take a more active role in legal education, but also accorded with the societies’ historical customs. Reviving moots and other educational traditions would also not interfere with the independence of the Inns. Other individuals who gave evidence before commissions, however, suggested that the Inns use their financial resources to transform the societies into a law university.²⁶ Such a

²³ Brian Abel-Smith and Robert Stevens, *Lawyers and the Courts*, 66.

²⁴ The committee included some of the highest-ranking legal personages of the day, including the Vice-Chancellor, Justices of the Court of Queen’s Bench, and the Attorney and Solicitor Generals. *Report of the Commissioners Appointed to Inquire Into the Arrangements in the Inns of Court*, (London: George Edward Eyre and William Spottiswoode, 1855).

²⁵ M. H. Hoeflich, “The Americanization of British Legal Education in the Nineteenth Century,” *The Journal of Legal History* 8: 3 (1987), 248-9.

²⁶ Christopher Brooks, “The Decline and Rise of the English Legal Profession, 1700-1850,” in *Lawyers, Litigation, and English Society*, 144.

transformation would dramatically alter the role of the Inns in relation to the profession, making them responsible more for professional education than professional governance.

In debating measures like entrance examinations, high-ranking members of the bar expressed divergent visions of the individual who could or should succeed in the profession. Several of the Temple's lecturers contended that a classical education denoted gentlemanliness, not inherently necessary for learning law, but highly desirable for members of a professional association such as the bar. An entrance examination would impede only "those who have not been so educated," implying that the latter were in any case undesirable candidates. Charles Howard Whitehurst, Q.C., then Treasurer of the Middle Temple, vociferously argued against this position. Although Whitehurst was himself an Oxford graduate, he defined gentlemanliness as stemming from internal qualities and potentialities combined with professional training, rather than from academic and social pedigree. "Why should a man who never opened a Greek or Latin book not be a Lawyer?" asked Whitehurst. For Whitehurst, markers of status were irrelevant. "If [a barrister] is not qualified, he will get no business, and if he is qualified, he will get business...."²⁷ In their sink-or-swim attitude, Whitehurst's opinions were closely in line with those who defended the self-directed learning of the public schools, and those who desired to maintain the status quo at the Inns.

Following the 1846 and 1855 Commissions, subsequent decades saw several more aggressive but ultimately impotent parliamentary interventions into the regulation of the Inns. Several times in the 1860s, Sir George Bowyer, a constitutional lawyer and Catholic convert,

²⁷ *Report of the Commissioners Appointed to Inquire Into the Arrangements in the Inns of Court*, 1855. Like those who began to question the classical curricula of the public schools and universities at mid-century, Whitehurst dismissed a liberal education as "highly proper," but an unnecessary burden on men and their families. R. L. Archer, *Secondary Education in the XIX Century* (Cambridge: Cambridge University Press, 1921). John Chandos, *Boys Together* (London: Hutchinson, 1984). Whitehurst received his B.A. from Wadham in 1819. *The Registers of Wadham College, Oxford. (Part II.) From 1719 to 1871*, ed. Robert Barlow Gardiner, (London: George Bell and Sons, 1895).

introduced bills to democratize the arbitrary powers of the benchers by establishing a separate judicial body that would try all cases of professional misconduct. Bowyer's first bill even proposed to enfranchise the rank and file of the bar, making them responsible for the election of half of the benchers of their Inn. Bowyer's efforts met not so much opposition as indifference to changing what was, for most parliamentarians, a more or less functional system. When Roundell Palmer, Baron Selborne, then Lord Chancellor, proposed replacing the Inns of Court with a general school of law in the 1870s, his schemes met with more interest but still could not win a majority. In 1875-6, Liberal MP Charles Norwood proposed a bill to abolish the barrister's honorarium, allowing barristers to sue for their fees and clients to sue for barristers' non-appearance in court. Opponents argued that such a bill jeopardized the unique status of the bar, and that of the barrister as advocate for rather than agent of his client. Certainly Norwood's proposal would have restricted the hitherto unlimited autonomy and authority of the bar. The proposal lost 130 to 237 votes.²⁸

Why was Parliament content to leave the bar as it was? It was not because any significant number of barrister MPs blocked legislation. Only 20% of all MPs had been called to the bar, and the majority of this number did not actively practice law. According to Daniel Duman, respect for the long tradition of professional independence helped maintain the status quo, but in the end lack of agitation outside of Parliament, amongst the public or the members of the profession, absented reforms of force and momentum. Newspapers, even those with a decidedly reformist bent, reported on Bowyer's bill with apathy. Senior barristers had little desire to institute changes, and successful junior barristers likely looked forward to comfortable futures under the current system. Only unsuccessful members of the junior bar would have had

²⁸ Daniel Duman, *The English and Colonial Bars*, 56-66.

an impetus to mobilize, and they were likely too busy scratching out a living to do so.²⁹

Furthermore, Raymond Cocks notes that by the 1880s general attitudes towards the Inns of Court had shifted away from criticizing the institutions. Like the ancient buildings themselves, the traditional workings of the Inns gained new prestige. Works like A. V. Dicey's *Law of the Constitution* equated commitment to the common law with of-the-moment jurisprudence. Rather than expensive and inefficient anachronisms, the Inns of Court, "home of the common law," regained their status as valuable legacies from the past.³⁰

Recognizing the need for at least limited changes, however, the Inns of Court undertook small, self-directed reforms in the second half of the nineteenth century. As an acknowledgement of the need for educational reform rather than a reform measure in and of itself, the societies created the somewhat toothless Council of Legal Education in 1851.³¹ They likewise instated optional classes. In order to attract more college graduates, the societies gradually extended the privilege of call to the bar in three years rather than five from the Oxbridge elite alone to members of institutions such as the Universities of Dublin, London, Durham, Liverpool, Manchester, Leeds, Sheffield, Birmingham, Bristol, St. Andrew's, Aberdeen, Glasgow, and Edinburgh.³² In 1864, they drafted the Consolidated Regulations of the Inns of Court to illuminate at least some of their rules, and periodically updated these regulations in subsequent decades.³³ In 1872 the societies introduced compulsory qualifying examinations

²⁹ Solicitors may not have been able to attain the same prestigious heights as barristers, but the divisions of the system ensured them a lucrative monopoly over their half of the legal profession. Daniel Duman, *The English and Colonial Bars*, 64-65.

³⁰ Raymond Cocks, "The Middle Temple in the Nineteenth Century," in *History of the Middle Temple*, 323.

³¹ Raymond Cocks, "The Middle Temple in the Nineteenth Century," in *History of the Middle Temple*, 305.

³² MT MPA, "Deposits and Bonds for Admission as Students," Apr 22, 1920. These privileges originally dated back to the Georgian benchers. As early as 1762, the benchers noticed the decline of elite members and passed regulations allowing Oxford or Cambridge graduates to be called to the bar after three years rather than five. Daniel Duman, *The English and Colonial Bars*, 20.

³³ "The Jurist," *Jurist*, Jan 30, 1864.

“to ascertain that [students] possessed a competent knowledge of Law.”³⁴ They reserved the right to make exceptions, however, and frequently exempted foreign students from the examination.³⁵ The Inns gave the General Council of the Bar, formed in 1894, the power to establish and codify rules of professional etiquette and to speak as the voice of the profession in parliamentary committees and in the press. The Bar Council was composed of representatives from each society, however, and its decisions were not binding. The right to discipline barristers was left to the Inns. Formal rules, examinations, and councils may have been in keeping with the rationalization of other professions, but at the end of the nineteenth century, the societies had conceded very little, if any, of their authority over the bar.

The only exception to the Inns’ unchecked authority over their societies lay with the judges, who acted as the highest and only court of appeals for barristers who wished to dispute the benchers’ actions in regard to disciplinary measures. This long-standing arrangement began when it was customary for the judges to leave their Inns and become members of Serjeants’ Inn, making them theoretically impartial outsiders. Appeals to the judges continued, however, long after the abolition of Serjeants’ Inn in 1873. The judges were under no obligation to review the disciplinary cases of disgruntled barristers, and more often than not they refused to do so. When they did agree to hear them, their conclusions rarely diverged from those of benchers’ of the Inns, from whose ranks, after all, the judges originated.

The case of William Gill, which opens this chapter, was one of the few, if not only, in which a barrister successfully appealed to the judges to reverse a decision of the benchers. Gill’s

³⁴ IT BEN Jun 7, 1898.

³⁵ MT MPA, Petition of Thomas Morris Chester of Monrovia, Liberia, Jun 7, 1867. See also Petition of Kettir Mohun Dutt, a native of Bengal, to be excused Latin; Tárak Náth Pálit, a native of Bengal, to be excused Latin; Peter Benemy, of Burmah, to be excused Latin. IT BEN Petition of Mr. Khoon Lipikorn, native of Siam, to be excused Latin; Mr. M. E. Hussain, a native of India, to be excused Latin; Mr. Ali Ahmed, a native of India, to be excused Latin; Mr. B. H. Khoo [of India] to be excused Latin; Mr. M. A. Razak, a native of India, to be excused Latin; Mr. M. L. Khand, of India, to be excused Latin; Mr. R. O. Seneviratne, Mr. M. Walinthag, Mr. S. A. Hosain, and Min. G. Talpur, natives of Ceylon and India, to be excused Latin.

was a case as much about honor and propriety as about criminal activity. Despite the fact that the Bow-street Police Court dismissed all charges against him in 1867, the benchers of the Inner Temple still decided to investigate Mary Dodd's complaints against Gill in November of that year. In a letter to the benchers, Dodd used the language and familiar narrative tropes of masculine exploitation to cast herself in a sympathetic, if fallen, position. An orphan, she had lived in Edinburgh with her two brothers until, she claimed, Gill took advantage of her while staying in their home. After seducing her, he convinced her to come to London and pursue litigation to wrest money due her from her brothers. Dodd maintained that she wanted to leave, but that Gill persuaded her that it would be bad for their case. She gave birth to a daughter. Gill won the suit against her brothers, and, according to Dodd, induced her to invest the money in a slate quarry that would guarantee £400 per annum. He forced her to "write letters at his dictation and sign documents without understanding their purport" or else be "subjected to the most gross ill usage." When she received only a fraction of the promised annuity, Dodd filed a suit against Gill, claiming that he "lives in the lap of luxury at the Langham Hotel while my child and self have been ... in a state of starvation." Unfortunately for Dodd, key documents appeared in her handwriting rather than Gill's, and the Police Court dismissed the case. Dodd pleaded with the benchers, "I charge Mr. Gill with having dishonoured his position as a Barrister by the most unprofessional and dishonourable conduct" and asked them to inquire into the matter.

Significantly, rather than ignoring Dodd's complaint, a strategy usually favored by the benchers for dealing with cases already resolved by the courts, the society began a seven-month inquiry into the matter. It appears that Dodd's plea moved the benchers; theirs was an investigation of dishonorable masculine behavior as much as of professional fraudulence. When called upon by the benchers to account for his actions, Gill dismissed Dodd's letter as "a tissue

of falsehood and malice.” He claimed that “Witnesses and documentary evidence ... prove that I neither seduced nor deserted the complainant; that I never ‘tempted her from her home’; never advised her to sue her relation.” After receiving multiple accusatory letters sent to the benchers by both parties, in May of 1868 the benchers reviewed the case against Gill and decided to disbar him. The records left by the benchers do not indicate whether or not they were convinced Gill was guilty of fraud or merely of dishonorable conduct toward Dodd. When in July 1868 Gill requested to know “the grounds” on which he had been disbarred, the Inner Temple Treasurer responded tersely, “...on the ground that the charges made against you had been proved.”³⁶ Gill decided to appeal his case to the judges, with Sir Roundell Palmer—former Attorney General, soon-to-be Lord Chancellor, and would-be reformer of the Inns’ unchecked authority—serving as his counsel.

The benchers of the Inner Temple understood professional practice as deeply intertwined with personal honor, but in February 1869 the judges returned a decision that separated Gill’s actions as a barrister from those as a lover, absolving him from any misdeeds in his capacity as the former. The judges outlined two charges against Gill: one of professional misconduct and one of “conduct inconsistent with honor and good faith such as should actuate a member of an honorable profession.” Was it wrong for Gill, acting as Dodd’s counsel, to borrow money from her and promise repayment from the interest of his investment in the slate quarry? The judges ruled that it was not, as they believed that the “transaction in question arose not out of the relations of Counsel and Client, but out of the domestic relations existing between the parties.” The judges also dismissed the second charge, that Gill had behaved in a manner “imprudent and inconsistent with the character of a man of honor and a Gentleman.” They did not believe that

³⁶ IT BEN. Pue suggests that the benchers may have kept the wording of their decisions ambiguous so as to make room for policy differences amongst them. W. W. Pue, “Moral Panic,” 93.

Gill “had any intention of deceiving Miss Dodd and appropriating her money to his use.”

Rather, they claimed, the loan was the result of Dodd putting “pressure upon the Appellant ... to allow her a far larger amount than his means would admit of, and ... from the desire of Mr. Gill to make provision for her, and to put an end to the connection.” For the judges, it was not Gill who had coerced Dodd, but the other way around. Her greed forced him to act even though “the hazardous nature of the security was fully made known to her.” Despite their exoneration of Gill, the judges did express regret that the manner “in which the parties were placed relatively to one another was so much open to question.”³⁷ The benchers sympathized with the pitiable state of Mary Dodd; the tangled nature of Dodd and Gill’s romantic and financial affairs likely influenced their decision against Gill. The judges’ decision, by contrast, firmly limited potentially dishonorable behavior to dishonesty and deceit. The judges condemned sexual impropriety, but they did not cast it as inherently ungentlemanly or abhorrent to the profession.

Following the judges’ decision, Gill demanded reparation, as eighteen months out of practice had resulted in disastrous financial consequences. In July 1869 he filed for bankruptcy. The cause, he explained, was “from having been disbarred by the benchers of the Inner Temple and precluded from following his profession.”³⁸ In £14,698 of debt, Gill would likely have faced bankruptcy even without his temporary disbarment. Nevertheless, he wrote the benchers twice that year demanding reparation “for the grievous injuries which you have inflicted upon me and my family by your erroneous order.” When the benchers ignored his demands, Gill threatened to sue the Inner Temple. Such a threat was unlikely to intimidate a body composed of the most

³⁷ IT BEN Feb 12, 1869.

³⁸ “Summary of This Morning’s News,” *Pall Mall Gazette*, Jul 31, 1869.

senior and successful barristers in the profession. The unflappable benchers directed Gill to their solicitors, and heard no more from him again.³⁹

Unlike Gill, the other barristers disbarred from the Inns faced the harsh reality of a career permanently stopped in its tracks. In June 1893, the Inner Temple disbarred Augustus Mirams, who had received six months hard labor at the London County Sessions for intent to defraud. Mirams had given his landlord a check for £5 from an account so far overdrawn that the bank had ordered him to close it. In early 1897, Mirams began a twenty-six-year process of appeals to the Inner Temple to be reinstated at the bar. Mirams claimed that he had evidence to prove that he had “reasonable grounds for believing there would be funds” in his account on which to draw the check. He argued that his original conviction had been secured through the improper admission of evidence. In 1898 he asserted that he was “not guilty ... of any conduct unbecoming a member of the Bar or a gentleman.” In 1901 he protested that the prosecuting counsel had treated him in “a most scandalous manner.” He pleaded that he could not provide his family “with sufficient food and clothing,” and that he suffered from “the mental agony which at times is enough to destroy one’s reason.” In 1902 he begged “as a Christian” to be allowed to clear his name. In 1910 Mirams appealed to the judges, but in vain. Mirams made further unsuccessful attempts to be reinstated in 1915, 1916, 1917, and 1923. Now 73 years old and in poor health, he asked that the Inns “make it possible for [him] to die in peace.” They declined.⁴⁰

Miram’s decades-long attempt to be reinstated as a barrister evidenced even more dramatically than Gill’s the high stakes of the Inns’ censure and the degree to which barristers were at the mercy of the benchers. As Mirams pointed out in several of his letters, disbarment

³⁹ IT BEN Feb 26, 1869, Apr 20, 1869.

⁴⁰ IT BEN.

swept away his livelihood. For a man in his mid-forties at the time of conviction, with at least four dependent daughters, it would be difficult to start over in a new career. The vehemence with which Mirams attempted to be reinstated, however, reveals as much about notions of honor as practical issues of survival. Twenty-six years after his conviction, in “very precarious health,” Mirams was never going to practice again. To be reinstated as a barrister would, however, be a final affirmation of his good character and, as he put it, bring comfort to his wife and children.

Faced with the arbitrary authority of the benchers, Gill threatened to sue, Mirams begged and pleaded, and other barristers publicized their complaints. William Digby Seymour, M.P., faced disciplinary action from the Middle Temple for his 1856 letter to a creditor’s solicitor, offering to hold briefs on the solicitor’s instructions as a means of paying off his debts.⁴¹ For Seymour, the discretionary and erratic proceedings of the benchers during his disciplinary hearings were antithetical to the English justice system. In February 1862, Seymour wrote to the *Times*, “I was upon 15 different occasions before the benchers of my Inn, and I stood practically before 15 different tribunals, because upon no two occasions were my Judges the same. The examinations were conducted within closed doors. ...they were conducted by men sitting down after dinner, varying in their numbers and attendance, and sometimes postponing the inquiry upon the most trivial grounds.”⁴² Seymour’s contentions named many of the same injustices that Bowyer endeavored to curb in his parliamentary reform of the bar. Seymour’s editorial attempted to rally support against the arbitrary power of the Inns at a moment in time in which parliamentary investigations and bills made it seem realistic that the bar might be reformed from without. Seymour’s case roughly coincided with several other well-publicized cases at the mid-century—a lord chancellor accused of unlawful conspiracy against his own client, a would-be

⁴¹ See W. W. Pue, “Moral Panic.” Raymond Cocks, “Middle Temple in the Nineteenth Century.” David Woolley, “The Inns as Disciplinary Bodies,” 358-9.

⁴² MT MPA Feb 21, 1862. See also W. W. Pue, “Moral Panic,” 49-118.

attorney-general disbarred, a country barrister disbarred for practices he had engaged in for a decade, and a prominent crusading barrister exposed to public criticism and censure by the Inns—that made the bar’s elite seem untrustworthy and the Inns incapable of adequately regulating their members. As W. Wesley Pue argues, however, the Inns, aware that too much public concern could lead to reforms from the outside, felt compelled to justify their autonomy by demonstrating that they were capable of stamping out the unvirtuous among their ranks. Press attention thus caused the benchers to exert a stronger role and tighten their authority on the Inns.⁴³ Publicizing his grievances also did little good for Seymour, who was excluded from the bar mess of the northern circuit (though he nevertheless went on to take silk two years later).⁴⁴

Shifting Geopolitics and Discipline in the Early Twentieth Century

In the early decades of the twentieth century the societies’ attention was once again drawn to the national press, but this time the Inns were not concerned by members critiquing the societies in their pages. Instead, the societies confronted members who publicized dissident opinions in response to a shifting geopolitical context. The Inns still disciplined their members for infractions like fraud or impropriety.⁴⁵ New infractions such as sedition, however, forced the Inns to define the parameters of gentlemanliness in relation to a political spectrum, and to contend with issues of Britishness and national loyalty. In the first three decades of the twentieth century, the Inner and Middle Temple conducted at least six disciplinary cases resulting from members’ personal political commitments. Conscientious objectors, nationalists, and communists opposed or actively worked against the state and the law. These men challenged the Inns to refine and retool legal etiquette to consider whether professional honor was compatible

⁴³ W. W. Pue, “Moral Panic,” 116-118.

⁴⁴ G. C. Boase, rev. Eric Metcalfe, “Seymour, William Digby,” *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004); online edn, Jan 2011.

⁴⁵ David Woolley, “The Inn as a Disciplinary Body,” in *A History of the Middle Temple*, 365-368. Particularly interesting is a 1914 disbarment of a barrister attempting to blackmail his former lover into marrying him.

with radical politics. The societies' responses to radical politics were inextricably bound up in their perceptions of members' foreignness. The Inns may not have been especially sympathetic to any radical bent, but they gave English-born members more latitude for defending their actions and were more likely to disbar individuals with confirmed foreign loyalties.

The societies drew discrete but distinct lines between alien and Anglicized others. In 1908, for example, the Inner Temple considered the disciplinary case of two K.C.'s whose pre-existing tensions had erupted into insults and fisticuffs, including anti-Semitic slurs. The disciplinary committee dismissed the blows as not "calculated to do actual damage," but they especially denounced the phrase "insolent Jew cur," which they considered particularly "improper, insulting and provoking." Anti-Semitic slurs ran contrary to the bar's image of itself as a cosmopolitan institution upholding a British liberal notion of religious freedom. In his apology the K.C. explained, "I am particularly sorry for having used the word 'Jew' in this way, for many Jewish members of the Bar might properly resent it, as I would resent the use of the word 'Irish' in a like connection."⁴⁶ In making an empathetic connection between the Irish and the Jews, the speaker evidenced a surface-level respect for the diversity of the bar. His statement also implicitly drew a distinction between an Anglo-Jewish K.C., socialized with English values, and the unassimilable Eastern European Jews of the East End, a line not always held fast in broader articulations of British anti-Semitism.⁴⁷ The prejudices and growing xenophobia of the legal profession were reserved for elements the bar perceived as more dangerous than an Anglo-Jewish King's Counsel.

⁴⁶ IT DIS/1/R1. It might also have insulted high-ranking members. The *Pall Mall Gazette* reported that Lord Morris, an Irish-born judge elected a member of the Bench of Lincoln's Inn, made a joke at the elevation of Sir Charles Russell, an Irish Catholic, to Lord Chief Justice in 1894. "You English ... are a tolerant people: your highest Court of Appeal consists of a Scotch-man, two Irishmen, and a Jew." *A Chance Medley Extracts from "Silk and Stuff"* (*Pall Mall Gazette*), (London: Constable & Company LTD., 1911), 280.

⁴⁷ See David Feldman, *Englishmen and Jews* (New Haven: Yale University Press, 1994).

Indian nationalists in the 1900s and 1910s represented the first instance of a perceivable foreign threat in the midst of the Inns and raised questions as to how the societies could—and if the societies should—accommodate dissident personal politics. Nationalists did not have to commit illegal actions, or even directly violate legal etiquette, to find themselves under the scrutiny of the benchers. In 1909, for example, a representative of the Bar Council sent a letter to the Honorable Society of the Inner Temple, with a newspaper clipping attached. Based on the scrap of newsprint, the members of the Council believed its author, Shyamji Krishnavarma, ought to be disbarred. The clipping contained Krishnavarma's response to a *Times* editorial that challenged his promotion of the Indian Martyrs' Memorial scholarship fund. The *Times* editorialist denounced the fund as "the glorification of murder," explaining that Krishnavarma's "martyrs" were in fact Indian nationalists who had been hanged for a May 1908 bombing that resulted in the death of two English women. In response, Krishnavarma dismissed the deaths of the two English women as "accidental and incidental," the attack having been intended for a magistrate.⁴⁸ Rather than uphold British power structures undergirded by law and thus intimately tied to the legal profession, Krishnavarma condoned their violent dismantling. Were such views, the Bar Council pressed, worthy of a barrister?

Krishnavarma's case confronted the benchers with a question they had not before considered: could the expression of political views violate professional etiquette? Krishnavarma had not published anything illegal under British law, nor had he violated any of the societies' Consolidated Regulations.⁴⁹ Without a doubt his inflammatory words would have found few sympathizers among the benchers. Yet in expressing his anti-British but perfectly legal political

⁴⁸ Shyamaji Krishnavarma, "INDIAN ANARCHISM IN ENGLAND," *Times*, Feb 20, 1909.

⁴⁹ It would have been different had he published the same editorial in India. Consider, for example, V. D. Savarkar's 1909 conviction of sedition for his poems under Indian Penal Code sections 121, 121-A, and 124-A. IOR/L/PJ/6/939, File 1849.

views, had Krishnavarma behaved in a manner unworthy of a barrister? To answer this question, the benchers demanded Krishnavarma “show cause why he should not be disbarred.”⁵⁰ They did not outline their grievances with him, but Krishnavarma surmised that they, “object[ed] to my attitude towards British rule in India.” His response to the benchers, however, was mostly defiant. The British were in India, he contended, “for rapine and robbery” and Indians were “absolutely justified in getting rid of foreign despotism by all means in their power.”

Krishnavarma did highlight the uniqueness of his disciplinary case, the lack of precedent at the societies. “If ... you decide to disbar me for the expression of my political opinions ... you will ... be conferring a unique honour on me, for I believe that in the history of the Inns of Court in England never has a similar case arisen.” Krishnavarma’s appeal to precedent did not persuade the society. In April 1909 the benchers disbarred Krishnavarma, noting in their records only that his conduct “in publishing the [letter to *The Times*] was unworthy of a barrister.”⁵¹

Why, precisely, did the society disbar Krishnavarma? They likely condemned his justification of violence more than his desire for Indian independence. His dismissal of the murder of British women would have appalled the benchers, and would have constituted ungentlemanly behavior in their eyes.⁵² Certainly the Inns of Court perceived anti-imperial, potentially violent Indian nationalists as a very real and troubling threat. As the next chapter elaborates, their concerns were part of broader fears in official circles that well-educated but discontented Indian students in Britain would find their way to extremist politics, and thus export seditious views from the metropole back to India.⁵³ Quite possibly the benchers interpreted

⁵⁰ IT BEN Mar 25, 1909.

⁵¹ IT DIS/1/K2. IT BEN Apr 23, 1909.

⁵² Mrinalini Sinha, *Colonial Masculinity* (New York: St. Martin’s Press, 1995). Indira Chowdhury-Sengupta, “The Effeminate and the Masculine,” in *The Concept of Race in South Asia*, ed. Peter Robb, (Delhi: Oxford University Press, 1995.) Kenneth Ballhatchet, *Race, Sex and Class under the Raj* (London: Weidenfeld and Nicolson, 1980). Ronald Hyam, *Empire and Sexuality* (New York: St. Martin’s Press, 1990).

⁵³ Shompa Lahiri, *Indians in Britain* (London: Frank Cass, 2000), 125-126.

Krishnavarma's editorial as seditious, regardless of whether it had been prosecuted as such. Krishnavarma compared Indian nationalists to British heroes like Milton, but the benchers most likely understood them as closer to Irish and other agitators who sought to throw off British rule.⁵⁴ Krishnavarma cast the issue as one of free speech, implying that he should have the right to express his views, no matter how abhorrent. Yet as A. V. Dicey explained in his classic work on the constitution, "Freedom of discussion," a feature of the common law rather than constitutional principle, "is ... little else than the right to write or say anything which a jury ... think it expedient should be said or written."⁵⁵ In this case, the benchers clearly did not think it expedient that Krishnavarma's views should be published.

In the decade following Krishnavarma's case, the four Inns disbarred at least two other Indian nationalists for similar approbation of political violence; by the time the Inner Temple considered the case of Mohandas Gandhi in 1922 the Inn's views on Indian nationalists had calcified such that an endorsement of violence was no longer necessary for disbarment. In November of that year the Inner Temple treasurer received a certified copy of Gandhi's conviction of sedition by the Ahmedabad Court of Sessions. The benchers of the Inn did not open Gandhi's actions to interpretation or debate, nor did they write to Gandhi, as was their standard practice, to ask him why he should not be disbarred. Instead the benchers agreed that Gandhi had been "convicted by a competent tribunal" of an offence which "disqualifie[d] him from continuing a Member of the Inn."⁵⁶ After all, rather than propagate the attitudes and values appropriate to a British barrister, Gandhi encouraged his followers to forswear British culture

⁵⁴ Fiction and plays of the late nineteenth and early twentieth century, for example, often featured Indian nationalists as sedition-mongering villains. Shompa Lahiri, *Indians in Britain*. Benita Parry, *Delusions and Discoveries* (London: Verso, 1998).

⁵⁵ Dicey, as quoted in David Feldman, "Civil Liberties," in *The British Constitution in the Twentieth Century*, ed. Vernon Bogdanor (Oxford: Oxford University Press, 2003), 411-415.

⁵⁶ IT BEN Nov 7, 1922.

and boycott British institutions—including legal institutions. Furthermore, as the following chapter details, Gandhi’s case coincided with a spate of investigation of Indian membership of the Inns of Court by the Inns and the India Office. The societies were increasingly convinced that the English bar was not a place for Indians at all, let alone those who lead seditious, anti-imperial campaigns.

The Inns’ scrutiny of Indian nationalists coincided with increasing xenophobia throughout the UK in the first three decades of the twentieth century. Outside the Inns of Court, suspicion fell on Eastern European immigrants, especially Jews, who British officials perceived as bringing foreign religion, disease, destitution, and eventually the specter of communism to London in particular. A spate of legislation imposed restrictions on individual liberties in order to assuage growing fears about dangerous aliens and foreigners, beginning with the Aliens Act of 1905, and continuing with the Official Secrets Act 1911 and the Defence of the Realm Acts 1914-15.⁵⁷ The Inns did not always sympathize with such legislation, particularly when it required increased state intervention. Nevertheless, the societies were also suspicious of individuals who might hold loyalties outside Britain, and they were willing to intervene to discipline and regulate these individuals.

The Great War served as crucible for many of these concerns, forcing the Inn to consider issues of citizenship and national allegiance in relation to personal conscience and wartime legislation. On December 5, 1916 the Inner Temple called Joseph Alan Kaye, a law student and student of St. John’s College, Oxford, before a committee of benchers to account for an offense committed while at university. Kaye had been the Secretary of the Oxford “No Conscription Fellowship.” During the Christmas Vacation of 1915, in anticipation of a January bill promoting compulsory conscription, Kaye distributed a number of pamphlets to members of the

⁵⁷ David Feldman, “Civil Liberties,” in *The British Constitution in the Twentieth Century*, 411-415.

Independent Labour Party and the Oxford University Socialist Association, as well as to a few of his friends. The pamphlets read, “We will accept no military duties,” encouraging opposition to the “Conscription Bill,” which by March 1916 was the Military Service Act. That same month (March of 1916), Kaye was charged with sedition and convicted by a Bench of Magistrates at the Oxford Police Court. The Magistrates described the material as “likely to prejudice the recruiting of His Majesty’s Forces,” a violation of the Defence of the Realm (Consolidation) Regulations 1914. The court sentenced Kaye to two months’ imprisonment, later reduced to two weeks’ imprisonment.⁵⁸

After Kaye’s conviction, the Inner Temple benchers formed a committee to investigate whether his particular actions “disqualifie[d] him from continuing a Member of the Inn.”⁵⁹ Before Kaye, no one at the Inns had violated the Defence of the Realm Acts. This emergency legislation that placed restrictions on freedom of association, assembly, and expression, had been in force for little over two years. Prior to the 1914 enactment of this legislation Kaye’s actions would not have been cause for censure. In fact, before the 1916 Military Service Act Britain maintained only a volunteer army. At the time of Kaye’s offence, support for the war and the men fighting it generally ran high, but conscription was less universally popular. Conservatives pushing for the Act feared for the nation’s military preparedness, but Liberals understood compulsory service as a betrayal of national ideals of liberty.⁶⁰ It fell to the Inner Temple committee, then, to determine whether or not violating temporary legislation by speaking out against a contested measure was an act unbefitting a member of the bar.

⁵⁸ “KING’S BENCH DIVISION. AN OXFORD UNDERGRADUATE AND RECRUITING. KAYE V. COLE,” *Times*, Oct 28, 1916.

⁵⁹ IT BEN Jan 12, 1917.

⁶⁰ See Nicoletta F. Gullace, *The Blood of Our Sons* (New York: Palgrave Macmillan, 2002). K. D. Ewing and C. A. Gearty, *The Struggle for Civil Liberties* (Oxford: Oxford University Press, 2000).

In conducting their inquiry, the committee gave first consideration to the offender's national origin rather than to questions of political conscience. A committee report noted that Kaye was the son of a Liverpool merchant of German origin. Though naturalized as a British subject in 1879, Kaye's father only changed the family name from the German Kaufmann to the Anglicized Kaye at the outbreak of the war, when Joseph Kaye was already 21 years old. The committee highlighted his ancestry at a time when a German background immediately aroused suspicion. The General Council of the Bar, for example, suggested in 1916 that the Inns take measures to suspend aliens from warring nations from practicing in the UK.⁶¹ The members of the committee would also have been familiar with the case of *R. v. Halliday*. In 1915, having committed no offence, a German-born portable railway contractor naturalized as a British subject in 1905 was imprisoned without trial under regulation 14B of the Defence of the Realm Acts. The latter permitted the internment of any person of 'hostile origin or associations.' The defendant's counsel maintained that 14B was *ultra vires*, but the Lord Chancellor dismissed the appeal.⁶² The war years were a dangerous time to have German associations in the UK. Though the Inner Temple committee did not explicitly argue that Joseph Kaye's standing as a loyal British citizen was in question, in light of the hostile climate mere mention of his German origin spoke against him.

After determining his background, the committee then expressed interest in Kaye's intentions. Kaye insisted that he had not known that distributing the pamphlets violated the Defence of the Realm Regulations, adding that the same pamphlets had been published in the *Labour Leader*. This may not have helped Kaye's case much, as during the war years the paper

⁶¹ IT BEN May 23, 1916.

⁶² "HOUSE OF LORDS. INTERNMENT OF A NATURALIZED BRITISH SUBJECT. THE KING (AT THE PROSECUTION OF ARTHUR ZADIG) V. SIR FREDERICK LOCK HALLIDAY," *Times*, Mar 2, 1917.

was frequently censored under the Regulations.⁶³ Any barrister who read the *Times*—or happened to be walking down Fleet Street—would have been aware of the massive 1915 raid on the London *Labour Leader* office, in which City police seized ‘nearly a van-load of publications.’⁶⁴ Kaye went on to say, however, that “although he did not wish to contravene the law he would to-day distribute the circular in question if it were essential in his opinion to do so in order to avert such a calamity as the passing of the Conscription Bill.” The committee concluded that not only the offence itself, but the offender’s “present attitude of mind,” merited disqualification from membership of the society.⁶⁵

The case proved, however, to be an unusually divisive one for the full group of benchers considering the committee report, suggesting that the benchers held markedly different views on conscription and conscientious objection. One of the members of the committee, Lord Justice John E. Bankes, agreed with the facts stated in the report but not with the recommendation of the other members. After the full group of benchers read the report, some agreed wholly with the report, other with Justice Bankes, and still others with neither. One member proposed that the report’s recommendation—Kaye’s disqualification—be adopted. This lost. Another proposed that as “the offence of which Mr. Kaye has been convicted was a grave one” that Kaye be excluded from the hall, library, reading room, and garden for one year. This lost. A third even proposed that no action be taken, but this too lost. Finally, a proposal that “having regard to extenuating circumstances no punitive steps be taken but that the Treasurer address Mr. Kaye pointing out the seriousness of the offence and warning him ... that if the offence be repeated, punishment will ensue” carried. The Treasurer subsequently spoke to Kaye, and the case was over.

⁶³ K. D. Ewing and C. A. Gearty, *The Struggle for Civil Liberties*, 64-67.

⁶⁴ “RAID ON OFFICES OF ‘LABOUR LEADER,’” *Times*, Aug 19, 1915.

⁶⁵ IT BEN Jan 12, 1917.

Ten years later, the Inner Temple faced a new iteration of troubling individual politics in relation to a member whose communist views stood opposed to military action. On May 4, 1926 a special committee of benchers of the Inner Temple called Thomas Henry Wintringham, a law student, before them. Wintringham was one of nine members of the Communist Party of Great Britain who in 1925 were arrested on charges of sedition for publications in the party organ the *Worker's Weekly*. After an eleven-day trial, it took the Old Bailey jury ten minutes of deliberation to convict the defendants of conspiracy to utter seditious libels, conspiracy to incite to mutiny, and of inciting to mutiny.⁶⁶ When summoned before the Inner Temple disciplinary committee, Wintringham readily admitted that he was a member of the CPGB and an assistant editor of the *Worker's Weekly*. He agreed that in the latter publication he had stated that “under no circumstances should ‘the military in the case of civil commotion act against the people,’” a violation of the Incitement to Mutiny Act 1797. Though the presiding judge of the Old Bailey placed Wintringham in the second division (rather than the first division denoting political prisoners), Wintringham insisted to the Inner Temple that his offences were political and should not disqualify him from membership of the Inn.⁶⁷ The Temple interviewing committee, save for one member, disagreed with Wintringham’s contention and recommended that he be disqualified.⁶⁸

The dissenting voice came from Llewellyn Arthur Atherley-Jones, a libertarian and Old Bailey judge whose feelings that the law should not intervene in matters of private morality had earned him a reputation for lenient sentencing for homosexual offences.⁶⁹ Atherley-Jones’s

⁶⁶ K. D. Ewing and C. A. Gearty, *The Struggle for Civil Liberties*, 136-144.

⁶⁷ The 1898 Prison Act reserved the first division for those who had committed clearly political offenses, the second division for those who declined to commit to keep the peace, and the third division for blatant criminal offenses. See Constance Lytton, *Prisons and Prisoners* (London: Virago, 1914).

⁶⁸ IT BEN Jul 16, 1926.

⁶⁹ Matt Houlbrook, *Queer London* (Chicago: The University of Chicago Press, 2005), 252.

minority report argued that though Wintringham's offence was "of the utmost gravity ... it involved neither acts of atrocity or immorality." In fact, Atherley-Jones referred back to the standards set by the visiting judges in the 1869 case of William Gill. Wintringham's "unlawful act [cast] no stigma upon his honour or good faith which was the test Lord Chief Justice Cockburn applied in the case of Mr. Gill." Furthermore, there was no precedent, he maintained, for a barrister being disbarred for a conviction of sedition. This statement either forgot or conveniently ignored Mohandas Gandhi's disbarment in November 1922.⁷⁰ Lastly, Atherley-Jones argued, disbarring Wintringham would be inconsistent with the lenient sentence—six months without hard labour—given by the judge of the Central Criminal Court.⁷¹ On July 16, however, the benchers adopted the majority report and disqualified Wintringham.

Why, for similar offences less than a decade apart, did Kaye escape with a verbal admonition while the society disqualified Wintringham from membership? Kaye's actions violated a new and temporary piece of legislation that placed restrictions on civil liberties that sat uncomfortably with some barristers and judges. Though the courts decided almost all cases that challenged the Defence of the Realm Acts in favor of the government during the war, they were also responsible for introducing a 1915 Amendment that preserved the right to trial by jury in civil courts, and began ruling parts of the regulations *ultra vires* at the war's end.⁷² Furthermore, before the war the Independent Labour Party had worked closely with the Liberals to achieve its goals.⁷³ The ILP's wartime pacifism short-circuited many of these sympathetic ties, but even so, party affiliation was considered more distasteful than dangerous.

⁷⁰ IT BEN Nov 7, 1922.

⁷¹ IT BEN Jul 16, 1926.

⁷² K. D. Ewing and C. A. Gearty, *The Struggle for Civil Liberties*, 87.

⁷³ James Eaden and David Renton, *The Communist Party of Great Britain since 1920* (Palgrave: Houndmills, 2002), 2-3.

To identify as a member of the Communist Party, especially in 1926, was an entirely different matter. Though small in number, the CPGB's stated goal was to overturn the ruling system. Anti-Bolshevism flooded British papers, and the party's ties to Moscow particularly provoked hostility. No matter how suspect Kaye's German origins may have seemed, in the minds of the benchers Wintringham's political allegiances cast him as the agent of an adversarial foreign power. Anxieties stemming from the post-war economic downturn augmented these fears. One "Barrister-at-Law," for example, asserted in the *Times* that, "it is well known that the unemployed are being exploited by Communist agitators paid by funds supplied by the Third International in Moscow. These agitators ... are boldly inciting the unemployed to smash shop windows and loot."⁷⁴ Moreover, the events of the 1926 General Strike, which began May 4, the same day that the Inner Temple called Wingtrimham before the benchers, intensified worries over general violence. The nine-day walkout, which at its height involved over 11.5 million workers, was perceived as a clear threat to institutions of British capital. Though leadership for the strike remained largely in the hands of Labour, both during the events and afterwards British officials and the national press cast the strike as a radical attempt to overturn Parliament and the government. They placed the blame with the CPGB and arrested about one quarter of the party's members.⁷⁵ As the Temple committee deliberated in July 1926, the events of the strike two months earlier would have been fresh in their minds. Wintringham, a foreign agent, convict, and inciter of social upheaval could have no place at the Inner Temple or the bar.

The final case in this chapter returns to William Stafford Levinson, highlighting the degree to which, by the 1920s, the British legal profession had become a global undertaking, and the challenges that came with managing such a far-flung endeavor. Not only did colonial

⁷⁴ "SEDITIONOUS PREACHING. INADEQUACY OF PRESENT MEASURES," *Times*, Oct 14, 1921.

⁷⁵ James Eaden and David Renton, *The Communist Party of Great Britain*, 25-27.

subjects travel to London to study law, but like Levinson, London-trained barristers of various backgrounds practiced law in imperial courts around the world. As far as the Inns were concerned, these cosmopolitan individuals might bring the values and liberal influence of British law to foreign outposts, but they just as easily might absorb dangerous ideas and practices abroad. Levinson committed at least six offences in two hemispheres, yet remarkably managed to elude the discipline of the Inner Temple for seven years. Even with wired communication connecting the globe in unprecedented ways, barristers on the other side of the world were difficult to monitor.

Unlike most disciplinary cases in the early twentieth century, Levinson's did not include a public or press dimension, in part because of his active mystification of his identity and location.⁷⁶ The case, which finally concluded in 1928, began with a December 1920 letter from the Acting Judge of the Supreme Court at Shanghai, along with enclosed affidavits from the Shanghai Consul General, bringing Levinson to the Inner Temple's attention. Levinson, who Sir Everard Duncan Home Fraser, Consul General, described as "a short man with a pale face, ...obviously of Jewish extraction," had been admitted to practice in the Supreme Court in Shanghai in August 1919. According to the affidavit, in early 1920 Fraser received two anonymous letters casting doubt upon Levinson's bona fides. When asked to produce his passport as a means of following up these claims, Levinson explained that it had been accidentally destroyed. Neither H. M. Consul at Riga nor Cook's in London, whom Levinson claimed had respectively issued and renewed his passport, had any record of passports under that name. Both the Consul General and the acting judge of the Supreme Court pointed out that Levinson had listed three different fathers with three different statuses, from knight to

⁷⁶ For conmen who sought publicity, the market for inside stories from the underworld was booming. Matt Houlbrook, "Fashioning an Ex-crook Self: Citizenship and Criminality in the Work of Netley Lucas," *Twentieth Century British History* 24 (2013), 1-30.

pawnbroker, in various official documents. Levinson claimed to have been baptized and also to be a practicing Jew. His account of his war service did not check out with the Army List. According to the Consul General, his “methods at the bar” had not earned him “the respect or liking of his colleagues,” and he had become “notorious from the class of cases” he chose. As if potentially being a Jewish pawnbroker’s son who had evaded war service and posed as a Christian, titled veteran in an outpost of His Majesty’s empire were not damning enough, the Consul General added that, “the combination in this case of such places as Riga, Shanghai and Egypt, all three centres of unrest and Bolshevist agitation, appears to me highly suspicious and to make it more than ever necessary that strict enquiries should be instituted into Mr. Levinson’s position.”

Levinson’s mysterious background proved that, despite requiring two character witnesses, the societies could never be certain what sort of dangerous elements they admitted into their midst: the Inner Temple had reason to doubt both Levinson’s nationality and his honorability. By December 1920, when the Consul General and Acting Judge sent their letter, Levinson had already defrauded a widowed client, closed his bank accounts, and fled Shanghai—on a Russian emergency passport. Was Levinson, wondered the benchers, a British subject or not? (Whatever he was, the Acting Judge assured the benchers, he was not dead, despite reports from Japan to the contrary.) As a result of further inquiries, the benchers received a copy of a report from the Director of Military Intelligence, by way of the Foreign Office. Levinson, the report confirmed, was a Russian subject. His first run-in with British authorities came in 1916, when he was convicted of falsely representing himself as an Inspector of Munitions in order to gain information about several Wire and Munitions Works in Penrhiwceiber, Wales. Although only fined ten pounds, the report noted that during that period

Levinson received “numerous telegrams..., and these were invariably destroyed immediately he had read them.” Levinson appeared to be a Russian Jew and potential Bolshevik who had falsely represented himself as a British subject in order to gain access to privileged information during the Great War, and the higher echelons of the British justice system thereafter, passing along who knew what kind of information to whom along the way. It was the stuff of nightmares to Britons in the 1920s.

The Inner Temple had much to call Levinson to account for, but first they had to find him. Despite the Acting Judge’s suggestion that Levinson was in Putney with Lady Cornwall, when the benchers began their search for Levinson in 1921 they were unable to locate him. In 1923 the society received information—it is unclear from whom—that Levinson had set himself up in Paris under the name R. Stark Livingston on the fashionable rue de l’Arcade. Levinson or Livingston’s hotel informed the society’s representatives, however, after two failed attempts at delivery, that Livingston or Levinson had lately returned to London. The society lost sight of him again until 1927, when a Manchester machinery merchant informed the Inn that he might have seen a man matching Levinson’s description. The merchant had met “a man who calls himself W. T. Livingstone and who says he is a barrister of the Inner Temple & ...later a practicing barrister at Shanghai!” The society contacted a firm of notaries to see if they could help identify the man the merchant had encountered. The notaries suggested the Inn contact the Foreign Office, the Foreign Office referred them to the Home Office, and the Home Office suggested they try Scotland Yard. Finally in 1928 the society learned—again unclear from whom—that Levinson was to appear at the London Police Court “for having failed to re-register himself as an alien on his return to England in 1920 and for having landed in England in contravention of an order made by the Home Secretary on 30th September 1920.” The Inns sent

their summons via a shorthand writer who followed Levinson into the court anteroom and in March 1928, after seven years of pursuit, handed Levinson the letter calling him to account for his actions. Levinson did not appear to defend himself—perhaps because he had been deported—and in November 1928 the benchers finally voted to disbar him.⁷⁷

Levinson, like Krishnavarma, Kaye, and Wintringham, represented the threat of foreign infiltration in the UK. He was not an integrated, Anglicized Jew, but a Russian and likely a Bolshevik. Unlike the K.C. reprimanded for and regretful of his anti-Semitic comments in 1908, the various interlocutors in this case made clear that Levinson's Jewishness only fed their suspicions of him. If aligning with the Third International made Oxford-educated Wintringham a source of foreign danger, how much worse was an actual Russian citizen connected to sites of communist unrest?

Even if Levinson had not been implicated in several other criminal activities, the vision of cosmopolitanism to which the Inns subscribed was becoming increasingly narrow as the twentieth century progressed. The empire opened up possibilities for members of the bar to advance careers that would have been stalled at home, but the Inns were overwhelmed by its size and scope. The societies worried that the colonial bars were not sufficiently steeped in the practices of the metropole, nor sufficiently able to discipline and control their members. It was difficult, if not impossible, to keep track of barristers practicing on the other side of the globe. In fact, many of the etiquette infractions brought before the benchers throughout the nineteenth and twentieth centuries came from the officials of various colonial bureaucracies. These officials tried to maintain the standards of an English bar with which they might only be vaguely familiar, depending on their route to their position and how much time they had spent in London. As the connections between the profession at home and abroad became increasingly difficult to

⁷⁷ IT BEN.

maintain, the Inns of Court began to wonder if overseas subjects and the colonial bars should be tied to the English bar at all.

Chapter 4 – Overseas Students

Mohandas Gandhi devoted relatively little space in his *Autobiography* to his experiences at the Inner Temple, to which he was admitted in 1888; those he included highlighted the myriad ways in which he differed from his English peers. As he recalled, initially he wore clothes styled after the fashion of Bombay, not London. Unlike the majority of young law students, Gandhi had a wife and child in India. Meals at the Inns centered on meats and fish; Gandhi, a vegetarian, could not partake. On this latter point Gandhi remained firm, and eventually the society prepared special meals for him so that he might keep term with more satisfying fare than bread, boiled potatoes, and cabbage. In other respects, however, Gandhi adapted to the culture around him. He noted that, shortly after his arrival in London, he bought new clothes, including a £10 “evening suit made in Bond Street, the centre of fashionable life.” He affected the role of a bachelor like other young Indian students in England, “ashamed to confess that they were married.” He began to study Latin, a language already mastered by his public school peers.¹ In the *Autobiography*, Gandhi cast himself as an outsider, ill at ease with the culture of the legal profession. Yet at the time, Gandhi’s admission to the Inner Temple and his call to the bar excited little notice or debate from the benchers of that society. In the late nineteenth century, overseas students like Gandhi did not challenge, nor did the societies perceive them as a threat to, the resolutely English culture of the Inns.

In the first three decades of the twentieth century, however, the societies disbarred Gandhi and several other Indian nationalists after they were convicted of sedition. By 1928, the four Inns debated the “rationing of Overseas students” admitted each year with an eye to dramatically reducing their numbers. This chapter asks why the Inns of Courts’ attitude toward

¹ Mohandas Gandhi, *An Autobiography* (Boston: Beacon Press, 1957), 93, 113, 138. Rozina Visram, *Asians in Britain* (London: Pluto Press, 2002), 110.

students from the empire shifted from one of acceptance and limited accommodation in the late nineteenth century, to one infinitely more wary and begrudging in the early twentieth. In doing so it pushes forward the growing body of scholarship on imperial subjects in the metropole by considering the largest subset of them, Indian law students, in the particular context of legal culture and the legal profession.² A focus on overseas students at the Inns of Court bridges the gap between scholarship that privileges the activities of the governing elite or imperial bureaucracies and work that takes interactions in the home, street, school, or club as loci of imperial power.³ The Inns, conduits to positions of prestige and authority throughout the empire, fed imperial hierarchies and faced pressure and scrutiny from governing powers to make sure they adequately disciplined their imperial members. Yet the societies were also sites of work and learning—day-to-day interactions between English and imperial subjects at the Inns tested the elasticity of the societies’ fraternal culture.

A focus on overseas students at the Inns further contributes to work that considers the role of metropolitan institutions in transforming colonial members into ideal liberal subjects or even liberal citizens, in ways as likely to undermine as to further the imperial project. Membership at the Inns gave overseas students important trappings of the ideal bourgeois subject, namely creditworthiness and professional expertise.⁴ Rather than behaving as the well-ordered subjects officials might hope, however, some imperial members of the bar used their legal learning and status as barristers to make claims for independence from the empire. For their part, the Inns of Court maintained a delicate balancing act between supporting the imperial

² Rozina Visram, *Asians in Britain*. Shompa Lahiri, *Indians in Britain* (London: Frank Cass, 2000). Michael H. Fisher, *The Inordinately Strange Life of Dyce Sombre* (New York: Oxford University Press, 2010). Antoinette Burton, *At the Heart of Empire* (Berkeley: University of California Press, 1998).

³ Tony Ballantyne and Antoinette Burton, “Introduction: Bodies, Empires, and World Histories,” in *Bodies in Contact*, ed. Tony Ballantyne and Antoinette Burton (Durham: Duke University Press, 2005), 6.

⁴ Sukanya Banerjee, *Becoming Imperial Citizens* (Durham: Duke University Press, 2010), 8.

project as befit an ancient anchor of British law and Britishness itself, and the overwhelming demands an increasingly heterogeneous population placed on the societies. Historians such as Catherine Hall and Sonya Rose characterize the influence of empire in the metropole as uneven, at times an unconscious presence, at others highly visible and the subject of widespread concern.⁵ In the nineteenth century, the Inns of Court took it as a matter of course that the societies should be the central node in the vast web of the imperial legal profession. By the early twentieth century, as the demands of empire became increasingly unwieldy, the Inns' role at the center seemed both less desirable and less sustainable to the societies and the imperial authorities with which they cooperated.

Several key factors account for the benchers' changes in attitude towards overseas students and the Inns' role in the imperial legal profession. Whereas in the mid-Victorian period the vast majority of students from abroad coming to the Inns were white, British-born or British-descended, by the 1880s the number of imperial subjects of color began to steadily increase.⁶ The number of subjects of color was still on the rise in the early twentieth century, when burgeoning colonial nationalist movements gained visibility for their causes, sometimes through violent actions taken against British citizens in the colonies or in London. Members of the Inns came to distrust the potentially radical politics of their overseas members, equating all imperial subjects with anti-British actions. Indian students particularly alarmed the societies. The number of students from India far outstripped those from any other colony. In the early twentieth century, the Indian nationalist movement, though relatively small in terms of membership, caught the attention of imperial officials due to the exalted status of India in the

⁵ Catherine Hall and Sonya Rose, "Introduction: being at home with empire," in *At Home with the Empire*, ed. Catherine Hall and Sonya O. Rose (Cambridge: Cambridge University Press, 2006), 2-3.

⁶ MT MPA. IT BEN. According to National Indian Association censuses, there were 160 Indians in Britain in 1887 and 308 in 1894. By 1910, Indians in Britain numbered between 700-1200. Rozina Visram, *Asians in Britain*, 88.

empire.⁷ It is impossible to quantify the actual number of nationalists among Indian law students and barristers. The actions of a prevalent few, however, provoked the Inns to fear that, rather than upholding structures of power undergirded by the legal profession, Indian students in their midst would work to undermine imperial authority or even bring bodily harm to the Britons around them. These fears made the Inns, institutions that had fiercely guarded their autonomy for centuries, uncharacteristically willingly to cooperate with, or even cede authority to and rely on, state bureaucracies.

In the first two decades of the twentieth century, the Inns and members of the legal profession collaborated with governmental agencies to discuss the best means of inculcating British values and containing radicalism amongst imperial subjects. These interactions rarely resulted in concrete policy changes, but they reveal a variety of concerns and attitudes of British authorities towards overseas students. The benchers of the Inns, high-ranking members of the English and imperial bars, and bureaucrats from the India Office all discussed the best way to mold students from the empire into rational liberal subjects. The debates often centered on geographic location and the spatial logic of discipline. Was a three-year stay in England a beneficial means of Anglicizing imperial students, or was it a waste of time and money? While in England, should students be kept together and closely monitored, or spread diffusely amongst English families to better absorb English culture? The Inns, though active interlocutors, made no attempts to instate residential policies one way or the other, nor did they adopt proposed quotas for overseas students. The Inns were not, they declared, schools or universities responsible for monitoring the behavior of undergraduates, nor could they deny spots to otherwise qualified

⁷ Jonathan Schneer, *London 1900* (New Haven: Yale University Press, 1999), 184.

applicants on the basis of country of origin.⁸ Instead the societies hoped to mold imperial subjects—as many as wished to come to them—by the same methods they molded English barristers, through the absorption of the culture and values of the societies via ritual. The societies thus held fast to tradition even as they discussed its inability to meet their needs.

Some members of the English and imperial bars, however, critiqued the Inns' unwillingness to take action. They believed that rituals designed to induct students into the culture of the bar would do little to counteract the political radicalization of overseas students in London. Failing to instate policies that would aggressively weed out undesirable imperial members, claimed some, jeopardized "the good name of the profession."⁹ Such charges rehashed nineteenth-century suggestions by critics and parliamentarians that both the admission and qualification requirements of the Inns were not stringent enough. In interviews conducted by the India Office in the 1910s and 1920s, members of the profession and bureaucrats alike went so far as to question the standard of a call to the bar as the requirement for exclusive right to plead in courts. In considering the superior training of Indian pleaders, or vakils, some interlocutors suggested that the position of barrister was itself superfluous. Thus for the Inns, the controversy over overseas students raised not only the threat of dissident politics, it also revitalized the specter of Victorian debates about the societies' prerogatives over the upper half of the bar.

Significantly, until the late 1920s, race remained conspicuously absent from these conversations, at least in overt form. Up until the early decades of the twentieth century, the Inns of Court framed their concerns about overseas students in relation to dissident politics or the

⁸ Paul Deslandes, *Oxbridge Men* (Bloomington: Indiana University Press, 2005). Elleke Boehmer and Sumita Mukherjee, "Re-making Britishness: Indian Contributions to Oxford University, c. 1860-1930," in *Britishness, Identity and Citizenship*, ed. Catherine McGlynn, Andrew Mycock, and James W. McAuley (Oxford: Peter Lang, 2011), 95-112.

⁹ IT BEN Nov 13, 1925.

material exigencies of study at the bar. While their discussions sometimes incorporated negative tropes and stereotypes, particularly of Indian students, reports and memoranda never explicitly referenced skin color, nor did they include the deterministic rhetoric of scientific racism. It was only in 1926 that the Middle Temple employed the term “coloured students,” and even then the Inn shied away from explaining why “coloured”—rather than “overseas,” “colonial,” or “Indian”—students were a particular problem. As scholars such as Laura Tabili have pointed out, though undoubtedly pervasive, racism was never a hegemonic discourse. Rather racism was merely one of many ways of talking about difference that Britons could adopt, particularly in moments of crisis or duress, to define an ever-shifting group of internal others.¹⁰ Racial language appeared in the Inns’ memoranda at a moment when the Middle Temple felt especially worried about its numbers of overseas students in relation to its English membership. Racial language disappeared when the Inn replaced these concerns with fears about “alien” and “foreign” students fleeing Hitler’s Europe in the early 1930s.

The Exigencies of Overseas Studentship

The Inns’ relationship to imperial students shifted alongside Britain’s relationship to its empire. In the first half of the nineteenth century, the majority of law students coming to the UK from the colonies were Anglo-British civil servants hoping to advance their careers. Indian legal offices, for example, were some the most valuable in the empire, opening doors to wealth, influence, and political power. In the second half of the nineteenth century, civil servants continued to study at the Inns, but imperial expansion and a shift in overarching imperial directives increased the number of subjects of color training to be barristers. Particularly after the 1857 uprising in India, officials in London took a more direct hand in Indian governance and

¹⁰ Laura Tabili, “A homogenous society? Britain’s internal ‘others’, 1800-present,” in *At Home with the Empire*, ed. Catherine Hall and Sonya O. Rose (Cambridge: Cambridge University Press, 2006), 53-76.

developed imperatives to integrate Indians into an expanding bureaucracy. Over time an increasing number of Indian students, now working as civil servants or within the newly developing British courts, traveled to the UK to study law. Indians represented the first major group of non-Europeans to enter the Inns of Court as students, and though always far smaller in number than students from the British Isles, they remained the largest group of non-Europeans at the bar.

The particular structure of the Indian bar also motivated Indian law students to train in England rather than India. Indian courts had two branches of advocates, the UK-trained barrister, and the India-trained vakil. Barristers enjoyed superior prestige and income, and they held a monopoly over pleading before the Supreme Courts in Presidency towns (Calcutta, Madras, and Bombay). Vakils, who were largely non-European, enjoyed less prestige and lower salaries, but even European members of the bar agreed that their training was more difficult and rigorous than that at the Inns. Unlike barristers, who faced optional courses and examinations that—when eventually required—were notoriously simple, vakils had to take mandatory courses and pass a “severe test.”¹¹ These disparities made an English legal education quite appealing to Indians, who saw it as a less demanding path to greater distinction and remuneration. By 1885, 108 men from India, recruited almost exclusively from the nation’s elite, had been called to the Bar. Believing that an English-educated legal intelligentsia would be pro-British, the government of India encouraged young men to study in the UK.¹²

That colonial subjects would become members of the Inns of Court, however, was never a foregone conclusion. White settler commonwealth nations developed native bars to provide alternate routes to becoming a barrister. As of 1885, for example, Irish students could be called

¹¹ IOR/L/PJ/6/1067 Oct 18, 1911.

¹² Daniel Duman, *English and Colonial Bars* (London: Croom Helm, 1983), 131-132.

to the bar from King's Inn, Dublin. For Indian vakils, study at the Inns might be desirable, but it was certainly not necessary for a career at the bar. Furthermore, as some officials reminded the Inns, the privileges of barristers in India could be subject to change. As Henry J. S. Maine, a member of the Council of India, informed Sir Edward Ryan, assessor to the Judicial Committee of the Privy Council on appeal from the Indian Courts, the "admission, without conditions, of Member of the English ... Bar to the *status* of Advocate [in Indian courts] is only a matter of grace; the High Courts are entitled ... to impose what conditions they please."¹³ In fact, in later debates in the early twentieth century, some interlocutors campaigned for admitting vakils as pleaders in the High Courts to obviate Indians' need to train in London.

Members of the profession encouraged both British inhabitants and natives of colonial outposts to study at the Inns, contending that the traditions of the bar acted as a positive influence in empire building. Time at the Inns, proponents argued, might provide civil servants with the foundations of English legal thought requisite for enlightened colonial governance. In 1860, for example, a member of the Bengal Civil Service and student at the Inner Temple declared, "...studying for the English Bar while on leave at home ... [tends] to give sounder and more enlarged legal ideas and a habit of judging complicated cases more carefully than is often the custom in Indian Courts."¹⁴ Studying for the bar, he implied, allowed him to bring the complexities of English jurisprudence to an otherwise simplistic court system. Other interlocutors emphasized the importance of the extra-legal values that the Inns instilled in their members, suggesting these values might then filter back to the colonies. A justice of the Calcutta High Court praised the "traditional notions of honor and self-respect brought out from the

¹³ MT MPA Nov 20, 1867.

¹⁴ MT MPA Mar 20, 1860.

English Bar” which raised the overall tone of the Calcutta Bar.¹⁵ He suggested that the societies’ inculcation of gentlemanliness was as important as, if not more important than, knowledge of the workings of the law. Study at the bar, he contended, helped overseas students absorb something quintessentially and culturally English.

For all that champions of study at the Inns extolled its benefits, colonial students faced numerous difficulties in pursuing a call to the bar in London. Many found the length of time required, three years, unfeasible for a variety of reasons. In 1867, Edward Henry Turner, a native of Madras, asked for a remission of terms because “his health ha[d] been seriously impaired by his residence in England during the last severe winter.” Enclosing several doctors’ notes he stated that he “fear[ed] the consequences of a much longer stay in th[e] Country.”¹⁶ Furthermore, civil servants, who came to London because a call to the bar could promote them up the bureaucratic ranks, were seldom granted three years leave at one time. As George Maxwell, a civil servant of the Federated Malay States, explained, enrolling at the Inner Temple during his leave in 1897-8, he could only keep four terms. With three more kept during leave in 1902-3, it would not be until 1908-9 that he could finish keeping terms and be called to the bar, despite having already passed the final examination.¹⁷ To avoid a prolonged period of studentship at the Inns, students in these straits could either petition their respective bureaucracies for delayed departure back to their posts, or petition the Inns for a dispensation of terms.¹⁸ Petitioners in either case met equally with success and failure in a seemingly arbitrary fashion.

¹⁵ MT MPA Sept 25, 1867. IT BEN Oct 29, 1899.

¹⁶ MT MPA Jun 7, 1867.

¹⁷ IOR/L/PJ/6/604 Jun 4, 1902.

¹⁸ MT MPA Jun 8, 1855. IOR/L/PJ/6/287 Jun10, 1890. IOR/L/PJ/6/363 Nov 24, 1893.

Under these circumstances, civil servants dismissed the historic rituals that some bureaucrats saw as propagating a much-needed Englishness as a waste of everyone's time. As one member of the Colonial Office griped, "The eating of Dinners, as a preliminary to being called to the bar, is a perfectly useless infliction not only upon Indians or Colonials, but upon all British subjects."¹⁹ Such detractors resented requirements that prolonged their stay in London without corresponding legal learning. Unlike the aforementioned proponents of legal education at the Inns, who extolled the ideological value of legal culture, these civil servants renounced tradition without pragmatic purpose.

As with other professions, such as the civil service, the financial cost of spending three years in the metropole proved a burden to colonial subjects seeking to become barristers.²⁰ Most overseas students came from elite backgrounds, the sons of landowners, businessmen, and other professionals.²¹ Like their English counterparts, many of the men who came from abroad depended on their families for financial support. Cost of travel and room and board in London were no small sums even for the prosperous, and families that fell on hard times might find they could no longer support a relative studying law. In 1886, for example, after explaining that, "by an unforeseen misfortune, his people at Home have become quite unable to help him in any way with pecuniary matters," L. Rahman asked the India Office to supply him with translation work to support his continued studies at the Bar.²² Parents abroad, as in England, could also use financial incentives to control their children's behavior. Foreign students who were cut off might have fewer close ties to fall back on than their English peers. In 1909, for example, the Charity Organization Society wrote to the India Office on behalf of a law student whose mother

¹⁹ IOR/L/PJ/6/604 Jun 23, 1902

²⁰ Rozina Visram, *Asians in Britain*, 127.

²¹ Daniel Duman, *The English and Colonial Bars*, 132-133.

²² IOR/L/PJ/6/182 Aug 19, 1886.

stopped his allowance after he married an English woman.²³ Unfortunately for both this student and for Rahman, and for the majority of students who asked the India Office for financial support, the Secretary of State deemed that there was nothing the Office could do to help.

In other respects, however, overseas students benefitted from the efforts of organizations willing to intervene on their behalf. A variety of voluntary societies, such as the National Indian Association (founded in 1870), existed to help imperial students in the metropole. Government bureaucracies not only oversaw imperial rule, they also advocated for colonial subjects. Perhaps the two most important in this respect were the Colonial Office, created in 1854, and the India Office, created in 1858. Both offices repeatedly appealed to the Inns to make concessions for Indian and colonial students.²⁴ Throughout the nineteenth century, for example, the Inns resisted remitting terms for colonial students, fearing that barristers who had not kept a full three years' worth of terms might be underprepared for practice. By 1903, however, the India Office and Colonial Office joined together to successfully petition the Inns for a remission of four of the twelve terms for all civil servants coming from abroad.²⁵ The offices could also intervene in relation to cultural or religious matters. In 1909 the India Office thanked the Middle Temple for their "concession in regard to the wearing of Turbans" rather than wigs for Sikh students called to the Bar.²⁶

The societies only reluctantly altered fundamental practices—such as the keeping of a fixed number of terms—but they readily accommodated overseas students' requests regarding less entrenched practices, particularly in the second half of the nineteenth century. In 1860 the

²³ IOR/L/PJ/6/953 Mar 31, 1909.

²⁴ CO 323/863/43 1921. CO 323/878/72 1921. CO 323/926/6 1924. CO 67/220/7 1927. CO 323/1044/4 1929. CO 323/1478/11 1937.

²⁵ Yet as Maxwell pointed out, even under these circumstances, it took "a man six to ten years before he can keep his terms, whereas the ordinary student who lives in England can be called at the end of three." IOR/L/PJ/6/604 Jun 4, 1902.

²⁶ MT MPA Jan 15, 1909.

Middle Temple allowed members of the Indian Civil Service to be admitted without paying the usual deposit of £100, greatly reducing the expense of study. Like Cambridge University, the societies permitted foreign students to substitute other ancient languages for the Latin examination. In 1869, at the request of students who said it would be useful to have instruction in the laws of their home countries, the Middle Temple appointed a Reader of “Hindoo, Mahamedan, & Indian Law.”²⁷ None of these changes threatened core values or practices at the Inns, and as such the benchers raised few objections to implementing them.

Even with these concessions, overseas students nevertheless faced difficulties at the resolutely English Inns. Gandhi recalled that he and other married students from the subcontinent passed themselves off as bachelors, not only to engage in “more or less innocent” flirtation with young women, but also, as he described it, to hide the shame of “child marriages.” While some law students, both English and colonial, claimed that all students intermingled, others maintained that colonial students kept apart. When asked by interviewers from the India Office if overseas students participated in the social life of the Inns via activities such as the Harwicke Debating Society, B. S. Vaidya, an Indian law student at Lincoln’s Inn, replied that they did not. Their primary means of contact with English students was, he claimed, through dining, when they sat together “quite freely.” Even so, he admitted, though he went to court and dined in hall, he did not know any barristers “personally.”²⁸ For their part, English memoirists rarely mentioned interactions—let alone friendships—with overseas students, except to note that a “Mohammedan or a prohibitionist was welcomed eagerly in any [dining] mess” because the other members could drink their allotted portion of wine.²⁹

²⁷ MT MPA Apr 30, 1869.

²⁸ IOR/Q/10/3/4 Jul 14, 1921.

²⁹ C. P. Hawkes, *Chambers in the Temple* (London: Methuen & Co, 1930), 146-7.

Overseas students also faced outright exclusion in other social activities designed to foster masculine camaraderie at the Inns. In 1897, for example, H. K. Mullick asked the four Inns to intervene regarding the Volunteer Rifle Corps' refusal to admit "Natives of India, & other dominions of the Queen outside the United Kingdom." Membership in the corps not only extended homosociability beyond the borders of Inns, it also allowed men to embody a more martial and robust form of masculinity than that typically associated with urban white-collar employment. Exclusion from the corps may have been particularly galling in the face of broader British criticisms of Indian "aloofness," complaints about the failure of Indian students to adequately integrate themselves into social and sporting culture, and stereotypes about the effeminate Bengali.³⁰ Corps membership was also a means of demonstrating loyalty to the crown by participation in the pageantry of empire. Refusing to allow colonial and dominion students to volunteer may have slighted those who considered themselves faithful British subjects.³¹ While the societies agreed the corps' decision to exclude overseas students was "to be regretted," they determined that the "exercise of the authority rested in the Commanding Officer" and that they had "no jurisdiction in the matter."³²

Policing Indian Students

The question of whether or not Indian students could be thoroughly integrated into British associational life took on new meaning in the late nineteenth and early twentieth centuries, as the growing Indian nationalist movement challenged the status of Indians as faithful British subjects. In the mid-1860s and 1870s, several organizations dedicated to fostering Indian

³⁰ Shompa Lahiri, *Indians in Britain*, 119. Mrinalini Sinha, *Colonial Masculinity* (New York: St. Martin's Press, 1995). Indira Chowdhury-Sengupta, "The Effeminate and the Masculine," in *The Concept of Race in South Asia*, ed. Peter Robb, (Delhi: Oxford University Press, 1995.) Sikata Banerjee, *Make Me a Man! Masculinity, Hinduism, and Nationalism in India* (Albany: State University of New York Press, 2005).

³¹ For an example of appealing to imperial values as a means of subverting the image of Indians as transgressors or disruptors, see Paul Deslandes, *Oxbridge Men*, 222.

³² IT BEN Mar 2, 1897. MT MPA Jan 22, 1897.

nationalism and questioning the nature of British rule in India sprang up in London.³³ Bodies like the Indian National Congress first focused on goals achievable within the framework of the Raj, such as expanded economic rights or access to positions in the civil service. Beginning in the late nineteenth century, however, and picking up steam in the early twentieth, leadership in the nationalist movement radicalized and the Congress split into two fractions. The moderates, led by men like Dadabhai Naoroji, still wished to work within the Raj to reform the structure of British rule. The radicals, however, rejected all things British and advocated for direct action to achieve Indian independence. The latter group's efforts in India included strategies ranging from publication of radical poems to violence directed against British officials, but the Raj constrained speech and actions by limiting various freedoms. Indians found they had more latitude to question British rule in the metropole, where they enjoyed greater freedom of the press, for example.

Indian nationalists in London troubled the Inns of Court, especially because the largest number of overseas students at the Inns by far came from India. Irish and Pan-African nationalists were both active at home and in the metropole at this time, but their numbers at the Inns of Court were relatively low. Their actions were less likely to be connected back to or reflect upon the Inns. Regardless of the actual political leanings of most Indian law students and barristers, however, a prominent few played instrumental roles in Indian nationalist movements in London and the empire. A number of the early organizers of the Indian National Congress in 1885, for example, were members of the Inns of Court, including Womesh Chunder Bonnerjee, the first president.³⁴ In 1907, when the Congress split into two factions, members of the societies

³³ Rozina Visram, *Asians in Britain*, 124-125.

³⁴ Other later participants and members of the Inns included Badruddin Tyabji, Mohammed Ali Jinnah, and Chittaranjan Das. *The Penguin Book of Modern Indian Speeches*, ed. Rakesh Batabyal (Gurgaon: Penguin Books India, 2007).

played key roles as leaders of the “hot faction,” which advocated self-rule and did not reject violent means of achieving it. The societies feared both that they possessed inadequate means of determining which of their Indian members espoused radical beliefs, and that the dissident politics of actively nationalist members would be connected back to the Inns.

The societies’ worries particularly intensified following Indian nationalist Madan Lal Dhingra’s 1909 assassination of the India Office official Sir William Hutt Curzon Wyllie in South Kensington. Prior to this incident, nationalists had committed violent actions in India, including a botched 1908 assassination attempt on a magistrate resulting in the death of the wife and daughter of a leading English barrister at the Muzaffarpur bar. The benchers may have been appalled by such actions, but prior to the 1909 assassination, nationalist violence still seemed far away from the Inns of Court. On the evening of his death, however, Wyllie, a political aid-de-camp to the Secretary of State for India, was attending an event organized by the National Indian Association. This organization promoted “social intercourse between the English people and the Indian people in London.” As witnesses later testified, months earlier Dhingra had purchased a Colt automatic pistol in Holborn and began training at a shooting range in Tottenham Court Road. On the evening of July 1, 1909 Dhingra attended an evening of entertainment at the Imperial Institute, having been invited by the secretary of the National Indian Association. According to several guests, around 11:00pm Dhingra appeared to be speaking to Curzon Wyllie when he “raised his arm and rapidly fired four shots in Sir Curzon’s face—into his eyes.” Dhingra also shot Cowas Lalcaca, an Indian doctor who attempted to restrain him. He then put his revolver to his own forehead, but found he was out of bullets.³⁵

³⁵ *Old Bailey Proceedings Online* (www.oldbaileyonline.org March 3, 2015), Jul 1909, Trial of Dhingra, Madan Lal.

For the Inns of Court, as for other Londoners, Dhingra's assassination of Curzon Wyllie brought the threat of violence much closer to home in several unsettling ways. Firstly, Dhingra's actions violated both class and geographic boundaries: a high-ranking British official could be killed in gruesome fashion at an otherwise innocuous evening's entertainment in a respectable London neighborhood. Secondly, if a nonpartisan organization designed to promote good relations between English and Indians could become such a bloody staging ground for enmity, where else might death and violence strike? Perhaps most disquieting to the societies, Dhingra was a young university student like so many other Indians in Britain. He did not come to London a trained killer, but rather purchased his gun and learned to fire it in the midst of central London. If time in the capital radicalized him and drove him to violence, would not other Indian students—including law students—have similar experiences? Outside the Inns, politicians' and journalists' interpretations of the assassination varied from dismissing Dhingra as a lone and crazed figure to broader charges of a Hindu conspiracy for Brahmin domination. The standard response of the government, promoted by Prime Minister Asquith, was that there had been a conspiracy, but that very few people were involved, and that the conspirators were dangerous because of their violent methods, not because they represented a broader threat.³⁶ Yet even if metropolitan institutions did not believe all Indians were ticking time bombs of violence, Curzon Wyllie's assassination propelled closer scrutiny of Indians in Britain.

The India Office, aware of tightening security measures in India via the establishment of the Criminal Intelligence Department, 1904 Official Secrets Act, and a clampdown on political activity, had begun an interventionist stance at home even before Curzon Wyllie's assassination. Their efforts included the monitoring of certain Indian law students, and potential alerts to the

³⁶ Simon Ball, "The Assassination Culture of Imperial Britain, 1909-1979," *The Historical Journal* 56 (March 2013), 237.

Inns of Court if these individuals seemed suspicious. As early as 1906, the India Office profiled law student Basante Kumar Das, who gave a lecture in Edinburgh, “Is British Rule beneficial to the Native Races of India?” Not only was Das’s answer a resounding no, but he suggested that in order to throw off British rule the people of India would have to reject capitalist government. In this case, the India Office saw only the need to monitor, rather than to intervene or try and involve the Inns of Court in some form of policing. As one Criminal Intelligence officer declared to the Secretary of State, nothing Das said overstepped “the bounds of legitimate criticism.” His anti-British, anti-capitalist speech was distasteful, but less cause for alarm than useful for giving “some idea of the status and antecedents of some of the Indians who proceed to England ... and of the associates with whom they ally themselves.” Officials in the India Office even decided against communicating the contents of the Criminal Intelligence letters to the benchers of the Middle Temple, as Das had never been convicted by a court. They did, however, write to the Middle Temple to confirm Das was a student there, perhaps drawing suspicion to Das regardless.³⁷

As with the cases in chapter three, concerns surrounding Indian nationalists were never just about political disagreements, they also raised questions about the gentlemanliness of the members in jeopardy. Both the India Office and the Inns of Court used negative tropes about Indians to connect radical politics to moral disorder and debased masculinity. The director of Criminal Intelligence, for example, included a letter to the Secretary of State for India linking Das’s objectionable politics to other personal failings. According to the director, Das “took to bad habits, neglected his studies and kept a woman of the town,” in addition to “misappropriat[ing] the property of his relatives and friends.” For the director, radical politics

³⁷ IOR/L/PJ/6/757 Mar 28, 1906. The following year the IO wrote all four Inns asking if they had a Sunder Lal on their books. Lal’s “views [were] of the most advanced type,” and the Home Department suggested to the Judicial and Public Department that he be watched. IOR/L/PJ/6/831 Sept 26, 1907.

were intimately bound up with profligacy and petty crime.³⁸ He drew on a wealth of negative stereotypes about Indians: that they were indolent; that they were less honest than other Asian students; that, corrupted by child marriage, they were sexual predators.³⁹ Thus, discussions of Indian students' political leanings were never exclusively about allegiance to Britain versus desire for self-determination, but also about upright gentlemanliness versus degenerate immorality. The benchers feared that the values of the Inns had not taken root in Indian students and adequately developed forms of masculinity appropriate to the English bar.

The dual association of radical politics and degraded masculinity jeopardized dissident Indian members' position at the bar, more so perhaps than their English peers. As Chapter 3 illuminates, it was not until 1926 that the Inns disbarred an Anglo-Saxon member for his political actions or opinions. The Inner Temple disbarred Shyamji Krishnavarma for similar reasons, however, as early as 1909—three months before Dhingra's assassination of Curzon Wylie. The benchers elected not to comment on their reasons for disbaring Krishnavarma, but significantly, his editorial to which the Bar Council objected justified the murder of two English women in the 1908 Muzaffarpur bombing. As Krishnavarma put it, even if the women had not been killed accidentally, "it would only prove that those who ... associate with wrongdoers or robbers (and Indian Nationalists regard all Englishmen in India as robbers) do so at their own peril."⁴⁰ Though perfectly legal to express such sentiments in England, condoning the extrajudicial murder of women violated British sanctification of the rule of law and contravened the notion of women, as innocent, non-political actors.

Indian nationalists' connections to particular organizations or places in London could also raise suspicion and jeopardize members' standing at the bar. Krishnavarma, for example,

³⁸ IOR/L/PJ/6/757 Mar 28, 1906.

³⁹ Shompa Lahiri, *Indians in Britain*, 120-122.

⁴⁰ Shyamaji Krishnavarma, "INDIAN ANARCHISM IN ENGLAND," *Times*, Feb 20, 1909.

was one of several members of the Inns tangled in London's network of radical nationalists, association with which was cause for scrutiny from both the India Office and the Inns of Court. Although no evidence existed to connect Krishnavarma to Wyllie's assassination, Madan Lal Dhingra had in fact been Krishnavarma's political pupil. The two men knew each other through India House, a hotbed of Indian radicalism in Highgate. Launched to promote nationalist views among Indian students in Britain, the organization also raised funds, published the radical paper the *Indian Sociologist*, and maintained contact with revolutionary movements in India.⁴¹ Aware of their connection to Dhingra, the India Office alerted the Inns of Court to three members of the Bar who were also members of India House: Shyam Krishnavarma, Vinayak Damodar Savarkar, and Virendranath Chattopadhyaya. By the time of the assassination, Krishnavarma had already been disbarred by the Inner Temple. Savarkar, already under investigation by Gray's Inn for poems encouraging guerrilla tactics and other evidence of seditious activities, had his call to the bar postponed and withdrew his membership the following year.⁴² Virendranath Chattopadhyaya, previously free from disciplinary investigation, came under the scrutiny of the Middle Temple before the end of July 1909.

Like Krishnavarma, the benchers called Chattopadhyaya to account not for his actions but for his words, in this case letters to the editor following Curzon Wyllie's assassination, two in the *Times* and one in the *Daily Dispatch*. Citing his references to rumors of "methods ... practiced ... in Bengal ... to be imitated in London," the benchers accused Chattopadhyaya of

⁴¹ Richard Popplewell, *Intelligence and Imperial Defence* (London: Frank Cass & Co., LTD, 1995). Nicholas Owen, *The British Left and India* (Oxford: Oxford University Press, 2007).

⁴² IOR/L/PJ/6/939 Jun 10, 1909. Edward Dicey, "Hindu Students in England," *Nineteenth Century and After*, Aug 1909. In 1909 the Viceroy of India telegraphed the India Office to say that they were sending an Indian plainclothes policeman to London in an attempt to gather evidence against V. D. Savarkar to convict him on conspiracy charges. As the Viceroy explained, the "best evidence against Savarkar will be obtained from Sikhs and therefore [we] have selected [a] Sikh deputy-superintendent." The India Office noted several risks with this plan, including the possibility of discovery by Savarkar or the deputy-superintendent working as a counteragent to spy on Scotland Yard. Ultimately, however, they agreed that if the Viceroy could find "the right sort of man" the proposal was "well worth considering." IOR/L/PJ/6/939 Jul 9, 1909.

knowing about Curzon Wyllie's assassination and doing nothing to prevent it. The benchers also objected to Chattopadhyaya's statement in the *Times*, "The catalogue of coming assassinations will probably be a long one," claiming that he expressed "no reprobation" for those who would commit these crimes. They were most disturbed, however, by his statement in the *Dispatch*, "there is every hope that the women of New India will fight the battle too." By using the word hope, the benchers claimed, it "looks as if ... you recommended and approved of the action of those Indians ... that ... are executed for killing people with bombs." Apologizing that the article was written in haste in his second language, Chatto responded, "I did not mean 'hope.' I really should have put 'fear.'" The benchers, unconvinced, suggested that if he confused words like 'hope' and 'fear' he should perhaps not write in English at all.⁴³

The societies expected Indian members to demonstrate regret and condemnation of violent nationalist actions. Instead Chattopadhyaya characterized the assassination as an inevitability, and one that not only would be repeated, but justifiably so. Such sentiments did not, the Middle Temple declared, accord with those proper to a barrister. "If a member of an English corporation and a student of the English Bar writes to a public paper advocating a violent revolution," the benchers asserted, "the question arises whether he is fit for that sort of magistracy which to be called to the Bar implies." After all, barristers were meant to interpret and uphold the laws of England, not support the extra-legal execution of members of the government in hopes of eventually overturning British rule. On July 28, less than a month after Curzon Wyllie's assassination, the benchers voted to expel Chattopadhyaya.⁴⁴ The following year he moved to the continent and continued his organizing efforts from Paris and Berlin.

⁴³ MT MPA Jul 23, 1909.

⁴⁴ MT MPA Jul 28, 1909.

The benchers were disturbed not only by Chattopadhyaya's sentiments, but also by the fact that he addressed his letters to the editor from the Middle Temple. Doing so, they explained, "seems to involve the Middle Temple in your views on the matter. Whatever they may be we do not wish that."⁴⁵ As an institution foundational to British law, the Inn recoiled from association with seditious, anti-imperial speech. The Middle Temple, in particular, was also becoming increasingly concerned about its reputation as the "most cosmopolitan" of the Inns. In the nineteenth century, this reputation attracted the wealth of colonial members to an Inn that, at mid-century, had been in tough financial straits. By the early twentieth century, the benchers began to fear they had too many colonial members in relation to native Britons. At this point, however, the Inn was still willing to accommodate foreign students; their concession in regards to Sikhs wearing turbans came only a week before they expelled Chattopadhyaya.

In the face of nationalist violence it became increasingly important for the societies to screen applicants before they joined, but the Inns of Court feared that they could not appropriately evaluate the suitability of potential Indian law students. A November 1909 report by the Council of Legal Education suggested that the requirement of a certificate signed by two barristers of five years standing to vouch for Indian applicants was not enough "to secure that only persons of good character... become member of an Inn." Other than the certificate of character, the Inns had to rely on outside bodies like the India Office to alert them to any impropriety on the part of Indian students, or to vouch for students when possible.⁴⁶ The Council of Legal Education's report expressed further concerns about cases of "personation," as there were "no means of identifying Students, who can adopt what names they please." The Council

⁴⁵ MT MPA Jul 23, 1909.

⁴⁶ IOR/L/PJ/6/1123 Nov 6, 1911. In 1911 W. Blake Odgers, representative of the Council of Legal Education, wrote the India Office asking if they could vouch for a student, Vanga Jagannadha Row, to be called to the Bar. The IO responded that they knew nothing against him, but neither could they recommend him knowing nothing about him either.

recommended that native Indian applicants should have to have their certificates of good character signed by an officer representing the Indian Government in their district or state.⁴⁷ Such an official, the Inns presumed, would be better informed of an applicant's objectionable actions or affiliations than would the barristers at the Indian bar. The four Inns adopted the Council's recommendation and required Indian students to produce certificates signed by the Collector, Deputy Commissioner, or higher ranking officers of their native states. In so doing, the Inns placed judgment of character in the hands of the state rather than members of the profession. Their willingness to hand power over to an outside authority indicated the depth of their worries over Indian members.

Indian students resented the Inns' requirement of a certificate of character from the Collector or Deputy Commissioner of their native states, interpreting the requirement as a deliberate means of screening politically radical candidates to prevent them from joining the legal profession. W. G. Wrangham, sub-Treasurer of the Inner Temple, claimed that he was "not aware that there was any resentment ... at having to produce a certificate from a Government Officer," and that he "had no idea that the High Commissioner took political views into consideration at all." Sir Thomas Arnold, Educational Adviser to Indian Students to the Secretary of State 1917-1920, firmly maintained that political consideration had nothing to do with the regulation. But as R. Ramachandra Rao, a district collector of Madras forthrightly explained, "It is a political question. The political opinions of a candidate are always enquired into by the Collector, and there is a certain amount of dissatisfaction in India on the matter."⁴⁸ Nevertheless the Inns maintained the requirement.

⁴⁷ IT BEN Nov 12, 1909.

⁴⁸ IOR/Q/10/4/14 Jul 27, 1921. IOR/Q/10/4/32 Jul 21, 1921. IOR/Q/10/4/19 Aug 18, 1921.

Students objected to other measures designed to police Indian students, especially rules that overtly privileged European over Indian barristers. For example, they opposed a 1913 rule that required advocates of the Bombay High Court to “read for at least one year in the chambers of a practicing *European* barrister of more than 10 years’ standing.” This rule prevented Indian barristers from taking on pupils who wished to read with them. According to officials, the Bombay High Court enacted the rule “to preserve as far as possible the best traditions and practice of the English bar.”⁴⁹ Drawing overt distinctions between Indian and European barristers, the rule suggested that the former—despite their training in London—were somehow less than English barristers, and had not actually absorbed the culture of the bar. On a material level, such a prohibition could make it difficult for students to find a pupillage, jeopardizing their success at the bar.

Indian students also expressed grievances with the institutions governing their time in the capital, revealing deep mistrust of the British government and agencies they suspected were actively but secretly monitoring Indians in London. In 1914, for example, the Secretary of State and the National Indian Association bought a house at 21, Cromwell Road, ostensibly for meetings, lectures, and other forms of associational life. The house’s ties to the government, and perhaps its South Kensington location, however, raised suspicions among Indian students. Even Indian student representatives of 21, Cromwell Road readily admitted to a 1921 India Office investigative committee that “there is a feeling amongst the students that they are being spied upon.” As V. N. Sahai put it, “As long as the Government has anything to do with the institution it must be in disfavor with the public.” Students of course had no proof of espionage, but Sahai pointed out that the lack of political lectures made it seem as if “there is something official behind it.” It seemed clear that nationalists were being kept out. Sir Murray Hammick, a

⁴⁹ IOR/L/PJ/6/1067 Dec 4, 1913.

committee member, protested that the National Indian Association was non-political, a sort of social club. "I do not suppose they allow politics there," he protested, "any more than they would allow them in a club in St. James' Square."⁵⁰ For Hammick the absence of politics in club life was a given, familiar from years of socialization in the West End's gentlemen's clubs. Yet for Indian students the absence of nationalist talk was conspicuous, fueling a deep and general mistrust of the government and the conviction that Indian students' actions and words would be used against them.

Well-meaning English volunteers at 21, Cromwell Road expressed sympathy and distress that the house would be so mistrusted. Miss E. J. Beck, Honorary Secretary of the House Managing Committee, Treasurer of the Distressed Indian Students Aid Committee, and Secretary of the National Indian Association, regretted that "The House undoubtedly suffered on account of the suspicion ... that those in charge of it were agents of the Government for the purpose of spying" on the students. Sir Charles E Mallet, Secretary for Indian students at the India Office 1912-1916 went even further, suggesting that perhaps Indian students' suspicions were not unfounded. He explained to the 1921 India Office committee that he "always told the students freely that he cared nothing about their opinions," but suspected there were others "at the India Office who did not altogether share this view."⁵¹ Though he did not elaborate, Mallet implied that some of the India Office affiliates at 21, Cromwell Road did indeed report what they saw and heard to their superiors. Suspicion of spying also fell on those Indians who seemed too eager to cooperate or collude with the house.

Other India Office officials dismissed these concerns, asserting that regardless of their ties to the state, organizations like those at 21, Cromwell Road remained non-partisan. Sir

⁵⁰ IOR/Q/10/3/19 Aug 8, 1921.

⁵¹ IOR/Q/10/4/40 Aug 24, 1921. IOR/Q/10/4/27 Jul 30, 1921.

Thomas Arnold, Educational Adviser to Indian Students to the Secretary of State 1917-1920, maintained that there had been no case of a student discriminated against “on account of his political opinions.” Neither 21, Cromwell Road nor the Indian Students’ Department was involved, he insisted, in the policing of Indians. In fact, while popular opinion claimed that the latter was formed after the death of Sir Curzon Wyllie, its existence actually dated to April 1909, several months before the assassination.⁵² Nevertheless, N. C. Sen, O.B.E., Joint Secretary to the High Commissioner for India for Indian Students’ Work, suggested that removing the offices of the Local Adviser from 21, Cromwell Road would “tend to diminish the feeling that the house was an official one.” The house’s South Kensington location, combined with the presence of India Office bureaucrats, further reinforced contentions that the house was connected to government oversight.

Should Indians Come to Britain at All?

As both the Inns and the India Office worried over what to do about Indian students, a clear question arose: did Indian law students really need to come to London at all? In order to assess Indian bar students’ needs and training, in 1911 the India Office began surveying members of the Indian High Courts.⁵³ They drew responses, in the form of letters and testimonials, from over two-dozen high-ranking members of the Indian Bar and Indian bureaucracies, from Calcutta, Madras, Bombay, Bengal, United Provinces, Punjab, Burma, Central Provinces, and the North-West Frontier Province. The Office’s inquiry raised a number of questions: was it really necessary for Indian students to come to England? If it were necessary, or at least if it were to be an option for Indian students, how could British institutions

⁵² 21, Cromwell Road was, in fact, the result of the 1907 Lee Warner Commission. “Indian Students in England,” *Times*, Jun 2, 1910. IOR/Q/10/4/32 Jul 21, 1921.

⁵³ This work was an even more comprehensive inquiry than the 1907 Lee-Warner Committee.

and bureaucracies judge the suitability of students that came? Furthermore, how could those students who came be properly inculcated with British values?

Respondents to the India Office's survey—barristers and judges of both English and Indian descent—recapitulated earlier arguments about empire building or degraded masculinity to express conflicting opinions as to whether or not Indian students should study law in London. A few rehashed earlier arguments supporting study at the bar, particularly that time in London helped imperial subjects absorb English values and aided in empire building. Others maintained that Indians had no reason to come, as they could train as vakils in India if they wished to practice at the bar. Those who joined the Inns, they claimed, were “young men of mediocre educational qualifications,” unwilling to face the rigor of wakil training. They were men eager to take advantage of “the numerous novel temptations of a strange city like London.” A former principal of the Muhammadan Anglo-Oriental College at Aligarh and member of the Council of India suggested that Indian law students in London, “under less supervision and less compulsion to work,” at best wasted time and money. At worst they spread or acquired “vicious habits” and “undesirable politics.” A High Court Justice claimed that these “failures” lowered the tone of the whole profession. Such commentators refigured mid-Victorian characterizations of barristers and law students as profligate wasters to critique only one ethnic subsection of the bar. Indian law students, these men suggested, were best kept in India to prevent indolence and immorality, but also—unlike their mid-Victorian counterparts—the spread of dangerous ideas.

Other respondents to the India Office saw the problem in sending Indian students to London as the failure of the Inns to provide students with an adequate legal education. Viscount Haldane, Liberal imperialist and Lord Chancellor, put it bluntly: “candidates for admission to the Indian Bar should be trained in India” because training in Britain was “out of date.” Aware that

critics might accuse him of cutting off “the light and influence of the English Bar” from the Indian Bar, Haldane assured his readers that he saw the value in Indian advocates “imbibing something of [the English Bar’s] spirit and methods.” He maintained, however, that Indians should come to London to observe the English Bar after their training in India was complete. The best way to strengthen the Indian Bar was “not by sending hordes of half-educated boys to hang about the Inns and wander unguided through the Courts, but by utilizing Indian resources to build up ... an autonomous organization for training and selecting members of a profession ... open only to men of high attainments.”⁵⁴

Perhaps the Chancellor worried about exposing Indian students to English ideas that might, from an English perspective, be misinterpreted. According to an advocate of the Chief Court of Punjab, England and English ideas radicalized Indian students. “It is the British Rule of Law that they come in contact with,” he stated, and “they feel inclined to apply these principles to their own country, and without studying all the conditions and ill-circumstances.” Indian nationalists certainly drew on British figures and ideas to justify their freedom. Krishnavarma, for example, likened the nationalist cause to Milton’s writing.⁵⁵ Indians also drew on nineteenth-century British liberal thought. Yet as historian Sukanya Bannerjee notes, for thinkers like John Stuart Mill “universal capacities” rendered everyone *potentially* equal for political rights, but even Mill argued that there are “conditions of society in which a vigorous despotism is in itself the best mode of government for training the people in what is specifically wanting to render them capable of higher civilization.”⁵⁶ As the advocate of the Chief Court of Punjab implied, Indians came to Britain and demanded political rights for which they were not yet ready.

⁵⁴ IOR/L/PJ/6/1067 Jan 30, 1914.

⁵⁵ IT BEN Mar 10, 1909.

⁵⁶ John Stuart Mill, as quoted in Sukanya Banerjee, *Becoming Imperial Citizens*, 13.

A minority of those interviewed believed that the societies still performed important work inculcating overseas students with key aspects of Britishness. The chairman of the committee, the Earl of Lytton, then Under-Secretary of State for India, suggested that the value of coming to England might be to learn about free enterprise and private undertakings. One of the most impressive English qualities, he maintained, was “the amount which is done by private individuals apart from State assistance,” from which Indians who “look to the Government for everything,” might take a cue.⁵⁷ Significantly, C. C. Scott, the Treasurer of the Middle Temple, which had the greatest number of Indian students, maintained that it was “undesirable to wholly discourage natives from being called to the English Bar.” Scott claimed that Indian students, “taken as a class,” were “well conducted.” Unlike those who warned of the dangers of misinterpreted English ideas, he maintained that “the knowledge of our laws and customs” benefitted not only the individual student but “indirectly ... the Indian community.” Of course, should Indian students stop coming to Britain, the Middle Temple’s enrollment numbers would sharply decline. The Inn admitted ninety-two new Indian students in 1920-1921 alone, compared, for example, with the Inner Temple’s fifty-six total Indian students on the books in the same period.⁵⁸

Others, like Sir Lewis Coward, chairman of the Board of Legal Studies, suggested that there were better reasons for Indian students to train in India than there were for them to study in the UK. Firstly, he pointed out the differences between legal practice in England and India, as the latter fused English law with pre-existing Indian laws. It might make sense to make allowances for students in other colonies where law more closely resembled that of Britain; not

⁵⁷ Lytton, a Conservative, nevertheless supported a variety of Liberal policies. He championed Edwin Montagu’s Indian constitutional reforms, and believed in preparing India for eventual self-governance. Jason Tames, “Lytton, Victor Alexander George Robert Bulwer-, second earl of Lytton (1876–1947)”, *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), online edn, Jan 2008.

⁵⁸ IT BEN Nov 12, 1926. Fifty-six out of 1,158 students total were from India and Ceylon at the Inner Temple.

so for India, especially given the high quality of Indian legal training. Furthermore, Coward explained, the Inns of Court did not have the same disciplinary powers as the universities. As Coward put it, “They say, ‘These men come here. It is not part of the contract with them that they have to pass their examinations or depart.’”⁵⁹ To his mind, the Inns’ policy of letting students sink or swim without interference was a deplorable remnant of their early modern function as a finishing school for gentleman. Such an approach was not well-suited, Coward implied, to a population of overseas students. For Coward, Indian students lacked the self-discipline, instilled in British students by the public schools and universities, to apply themselves to their studies without institutional oversight or consequences.

The problem for Coward was not just that the Inns did not take an active role in disciplining their students. Instead Coward doubted the Inns’ abilities to create true cohesion between English and Indian students. Although Indian and English students “read together in chambers, go into the Courts and mingle together, ...mix at the table and in the common rooms ... somehow or other they do not seem to cement.” For centuries the Inns of Court had touted their customs and rituals as creating a sense of brotherhood and coherence among barristers. The societies relied on these practices to inculcate students with the values of the Inns. Yet the social life of the Inns did not seem, to Coward, to be able to surmount existing barriers. W. G. Wrangham, Sub-Treasurer of the Inner Temple, agreed that in hall and in the common rooms, Indian and English students “did not mix.”⁶⁰ If Indian students did not interact with English, then regardless of how often they dined in hall or lounged in the common room, they were not absorbing English values. For Coward and Wrangham, sociability at the Inns failed to properly induct overseas students into the societies’ culture.

⁵⁹ IOR/Q/10/3/1 Jul 11, 1921.

⁶⁰ IOR/Q/10/4/14 Jul 27, 1921.

If the social life of the Inns could not provide reason for Indian students to study in London, could reading in chambers, another frequently cited rationale? W. G. Wrangham, sub-Treasurer of the Inner Temple, felt that Indian students could probably learn Indian law better in the chambers of an Indian barrister, but he did not think that “the student could learn the etiquette of the profession unless he read in the chambers of an English barrister.” After all, unwritten professional etiquette was intimately bound up with English notions of gentlemanliness. At the same time, Wrangham acknowledged that Indian students often found it difficult to find a place in English barristers’ chambers, as “English barristers usually preferred to take English students.” Dr. William Blake Odgers, Director of Legal Studies for the Council of the Bar, explained that this reluctance stemmed from barristers’ fears that Indian pupils would not do well in front of a jury should they ever have to take a case to court. The Treasurer of the Middle Temple was somewhat more defensive, claiming that Indians did not have any more trouble finding practice in chambers than “other people say from Jamaica or anywhere else.” He admitted, however, that he could not think of a case of difficulties for someone hailing from white settler colonies like Canada or Australia. By contrast, Haldane, the former Lord Chancellor, dismissed the value of reading in chambers at all—for any student—as “very much exaggerated,” claiming that a pupil was lucky if “his barrister will perhaps condescend to spend a few minutes with him looking over the drafts which he has done.”⁶¹

In so saying, these men harkened back to Victorian debates about the standards for the legal profession imposed by the Inns of Court. Nineteenth-century members of the bar, reluctant to disrupt the traditions of the profession, challenged proposals for tightening the requirements for a call to the bar. Competent barristers, they contended, would always attract briefs while the unsuccessful eventually disappeared from the profession. Leaders of the bar in the early

⁶¹ IOR/Q/10/4/19 Aug 18, 1921. IOR/Q/10/4/16 Jul 29, 1921. IOR/Q/10/3/1 Jul 11, 1921.

twentieth century now recognized that self-regulation did nothing to weed out deeply undesirable radical politics. Even the meticulous screening of candidates' affiliations would not be enough, the logic implied, to prevent violent Indian nationalists from infiltrating the bar. Only rigorous requirements for a call to the bar would make it unpalatable to any but those motivated to succeed in the profession (which necessitated embracing existing British structures and hierarchies). In 1915 the Lord Chancellor, Secretary of State for India, and the Judges of the Madras High Court considered taking measures a step farther, and obviating the need for Indian law students to train at the Inns of Court altogether. The elite coterie planned to meet to discuss the training of Indian advocates outside the Inns, but wartime conditions made travel impossible. In the face of wartime emergency, the participants postponed the meeting indefinitely.

The Spatial Logic of Discipline

At the same time that members of the bar and India Office officials debated the virtue of study in colony versus metropole, they also engaged in contestations over the geography of legal training at the local level, debating the spatial logics of the discipline of Indian students in London. At stake in these debates were questions as to how best to mold Indian students into both British and rational subjects. Should Indian students be spread across the city in the homes of good families that would encourage them to absorb proper English values, interlocutors asked, or should they be grouped together in dormitory-style housing that would allow for their close monitoring and observation? Aware of the glacial pace of change in the legal profession, the India Office foresaw that Indian students were likely to continue studying for the bar in London for some time. Thus, in the first three decades of the twentieth century, the India Office surveyed members of both the English and Indian bars to explore how to best manage overseas students in the capital.

Members of the bar who opposed grouping Indian students together invoked epidemiological language to voice their concerns about radical politics. In a 1915 India Office study, one barrister from Lahore worried about “contagion,” while another worried about Indian students “herding together.” Pandit Moti Lal Nehru, advocate of the High Court of Judicature, North-Western Province, explained that in “the common rooms of certain Inns of Court” and “the lodgings of Indian students who lived in groups,” ideas spread in a way “that it would have been best for those students to have stayed ... in India.” Nehru’s comment on group housing may have been an oblique reference to India House, that hotbed of Indian radicalism in Highgate led by Shyamji Krishnavarma. Emissaries from India House met freshly arrived students at Victoria and Charing Cross stations, and tried to persuade them to join the nationalist movement. The hostel only had twenty-four beds and a reportedly high turnover, but as one pleader in the North-West Frontier Province stated, ideas in a hostel would spread in merely “a few weeks,” whereas “the same work will require months and years if students are living apart.” Instead of being allowed to live and socialize in groups, Justice Sir D. D. Davar proposed that “Indian students should be ... assisted in securing residence in good English families.”⁶² Davar’s proposal harkened back to Victorian philanthropists who advocated cottage homes rather than barrack-style dormitories for orphaned paupers.⁶³ Exposure to wholesome British family life, Davar believed, would inculcate Indian students with desirable values and a healthy respect for established authority.

Other officials suggested the creation of some kind of hostel system, which would concentrate Indian students in London in a few readily-policed buildings. Proponents like Mr. Justice Spencer, of Madras, imagined that such a system would replicate “the discipline of a

⁶² Shompa Lahiri, *Indians in Britain*, 123. IOR/L/PJ/6/1067 Feb 25, 1911 – Mar 12, 1915.

⁶³ Lydia Murdoch, *Imagined Orphans* (New Brunswick: Rutgers University Press, 2006). Seth Koven, *Slumming* (Princeton: Princeton University Press, 2004).

public school and a University, where more attention is given to moral training and discipline than in Indian educational institutions.” Like Coward, Spencer implied that the Indian education system failed to inculcate Indian students with the ability to self-regulate. A hostel would, he implied, provide this much-needed training and its resultant character development. To those who protested that living together in a hostel would not expose Indian students to English society, depriving them of valuable cultural exchange, Spencer countered, “What they learn of English ways in ... boarding houses is very often better unlearned.” Mr. E. B. Raikes suggested that, if not a hostel system, “it would be possible to form a club ... for young Englishmen and the Indians to live in... getting the Englishmen to join out of public spirit just as they do ... in Toynbee Hall.” By likening his imagined club to the East End settlements, Raikes equated upper-class and well-educated Indian students with working-class denizens of London’s slums. Sensitive to such slights, the Honourable Mr. R. N. Mudholkar pointed out that a hostel system “would be keenly felt as a slur and an indignity.” No other group of law students would be subject to such regulations. To group Indian students in a hostel would clearly mark them as failed self-disciplined individuals, in need of supervision, inferior to their peers. The India Office agreed with Mudholkar that hostels would “rouse the bitterest resentment.” Instead, they proposed “raising ... the educational standard,” which would “eliminat[e] shirkers by making the profession of advocate one only to be attained by real work.”⁶⁴

Indian students themselves disagreed about whether a hostel would be a desirable living arrangement. In the India Office’s 1921 investigative committee, two representatives of the students at 21 Cromwell Road repeated the language used by members of the Indian bar in the 1915 study, explaining their objection to a hostel on the grounds that “Indian students would *herd together* and lose the benefit of their stay in [England].” They envisioned 21, Cromwell

⁶⁴ IOR/L/PJ/6/1067 Feb 25, 1911 – Mar 12, 1915. IOR/Q/10/3/24 Aug 15, 1921.

Road as a clearinghouse, a place for newly arrived Indian students to land before they took lodgings elsewhere, or a place for regional university students coming to London for short stays. Mr. Kuriyan, the YMCA representative, agreed. He appreciated the YMCA's meetings and lectures, but if all Indian students lived there instead of in lodgings it would become "a bit of India." By contrast, Ariam Williams, Secretary of the YMCA Indian Students' Union, envisioned a future in which the YMCA hostel would function as a "residential Club" where individuals "intellectually, culturally and spiritually" qualified would act as "interpreter[s] of India to the West." Others maintained that it was only through the organized efforts of hostels that Indians saw anything of English life at all. D. Runganadhan, General Secretary for the YMCA Indian Students Union, for example, praised a recent outing to Epping Forest in which students had tea, tennis, and conversation at the country home of one Mr. and Mrs. Lister.⁶⁵

The Inns Discuss Amongst Themselves

Despite the India Office's repeated investigations (1907, 1911, 1921), only two alternatives existed to obviate the need for Indian law students to travel to London. Either the Indian bar could change the requirements for pleading in Indian courts, or the Inns of Court could alter their regulations for a call to the bar for Indian or colonial students. In the mid-1920s the Indian legislature debated policy changes that would remove barristers' privileged standing in courts, but they did not go so far as to create a separate Indian bar. At the same time, the Inns speculated whether these limited legislative changes would actually reduce the numbers of Indian students coming to the UK, and they considered whether they should alter their own regulations. The Middle Temple began to push for changes and met resistance from the other Inns as underlying divisions between the four societies surfaced. The Middle Temple felt it was carrying an unfair share of the burden of colonial students. According to a confidential

⁶⁵ *Italics Mine*. IOR/Q/10/3/19 Aug 8, 1921. IOR/Q/10/2/16 Aug 12, 1921.

memorandum circulated amongst the benchers of the Middle Temple in 1926, more than half (56 percent) of “coloured students” called to the bar had been called by the Middle Temple.⁶⁶ The memo proposed that the Middle Temple reduce the average sixty incoming “coloured” students each year by half, and recoup the loss of £2,700 per year this would create by taking steps to “induce an additional number of white students to join the Inn.”

The memorandum did not outline the Middle Temple’s objections to the uneven number of colonial students, but discussions at meetings of the benchers over the following three years suggest potential underlying logics. These sometimes-incompatible explanations likely reflected divergent political preoccupations amongst the benchers. By the second half of the 1920s, Britons’ attitudes towards Indian self-governance sharply diverged: Liberals and Labour were committed to Home Rule, while Conservatives maintained that India should be content with the dyarchy established by the Government of India Act 1919.⁶⁷ Master Reading—former Viceroy of India, current Liberal Party leader and believer in eventual Indian self-governance—did not doubt the merits of Indian students at the Inns. Instead he stated that it was imperative for the “good government” of the societies “that there should be an adequate supply of Barristers ... who practice, or have practiced in England.” Reading further expressed concern that given the large number of foreign students who “do not intend to reside in this country,” the Middle Temple would eventually be hard pressed to find “a sufficient number of members ... to provide suitable candidates for election to the Bench.”⁶⁸ By this logic, overseas students created a problem because they returned to their countries of origin rather than remaining in London after being called to the bar. A motion by another Bencher, Master Powell, contradicted this premise.

⁶⁶ MT MPA Mar 4, 1926. Lincoln’s Inn was responsible for 24.1 percent, Gray’s Inn for 10.4 percent, and the Inner Temple for 8.8 percent. The memo does not account for the missing .7 percent of students called to the Bar. Perhaps it took into account calls from the Irish or Scotch bars.

⁶⁷ Bernard Porter, *The Lion’s Share* (New York: Longman, 1996), 302-303.

⁶⁸ MT MPA May 26, 1927.

Powell proposed that “Students from abroad who shall declare in writing that it is their intention to leave this country for good as soon as ... they are Called to the Bar” might eat fewer dinners and keep fewer terms to speed along their call. For Powell, then, the problem with overseas students seemed not to be that they returned to their countries of origin, but rather that they spent too much time in London to begin with. Asking for increased standards to guarantee that students had received “liberal education[s]” and “adequate knowledge of the English Language and Literature, and of Latin,” Powell challenged colonial students’ cultural credentials for membership in the Inns.⁶⁹ Overseas students did not come equipped, he implied, with the intellectual accoutrements necessary for gentleman barristers.

These disputes, however, do not explain why the Middle Temple’s 1926 memorandum on “coloured students” framed the Inns’ concerns in racial terms. In the past the societies frequently used the term “overseas” to denote students from throughout the empire, or referred to particular groups by their country of origin, such as “Indian students.” The 1926 memorandum, however, explicitly used the adjective “coloured,” indicating that the issue was more than that students coming to the Inn were returning to their countries of origin, or that students from overseas did not share a common academic pedigree. These students, the memorandum pointed out, were not white. As historians such as G. R. Searle argue, by the 1920s, the difference between whites and people of color—and the superiority of the former over the latter—would have been so ingrained in the minds of Britons as to be “self-evident.”⁷⁰ The Middle Temple could adopt this language to emphasize its duress and to demarcate overseas from other students, without any explanation needed.⁷¹

⁶⁹ MT MPA Jan 24, 1929.

⁷⁰ G. R. Searle, *A New England? Peace and War, 1886-1918* (New York: Clarendon Press, 2004), 32.

⁷¹ Laura Tabili, “A homogenous society?” in *At Home with the Empire*, 53-76.

In 1926, shortly after circulating its confidential memorandum to benchers of the Inn, the Middle Temple sent the other three Inns of Court a report to determine what changes, if any, were necessary regarding “the admission and treatment of members of the Society ... not of European origin.” The report explained that it was “clearly undesirable that one Inn should become the ... favoured home for non-English students,” as that would “affect its popularity in the eyes of English students.” The report acknowledged that certain changes afoot in Indian courts, such as a move to abolish barristers’ privileged standing over vakils, might somewhat reduce the number of Indian students at the Inns, but that “the prestige which attached to membership of the English Bar” would still mean fairly high numbers of Indian students at the Inns. The universities, the report pointed out, had taken steps to make sure that overseas students were equally spread throughout their colleges. While the Inns could not “deal with the question on a merely racial basis,” surely there was something they could do to even out the distribution of students among all four societies. The Middle Temple suggested all four Inns meet to discuss.

After some resistance on the part of the Inner Temple, the societies finally convened in 1928 but could not reach a consensus. Lincoln’s Inn, housing the second greatest number of international students, was sympathetic to reforms that would redistribute the number of overseas students. The other two Inns, however, especially the Inner Temple, remained opposed to such measures. The benchers of the Inner Temple circulated amongst themselves their own private report containing research on overseas student demographics. According to the Inner Temple report, most overseas students were of European origin and merely domiciled in the colonies. That being the case, the benchers could not support apportioning students between the Inns. It would be “...impossible,” they argued, “to treat students of [European descent] on a different

footing from natives of Great Britain and Ireland.”⁷² Furthermore, the report maintained, sorting through and apportioning students would be an enormous drain on each Inn’s time. The report’s ultimate concern was not that the Inns should not discriminate against students of color but that it was highly impractical to do so.

After much cajoling by the Middle Temple, the other Inns finally agreed to alter the Consolidated Regulations in order to create a hierarchy of circumstances by which to privilege applicants for admission. The hierarchy descended as follows:

“FIRST: Applicants intending to practice (when qualified) at the bar in England or Ireland or in some part of the British Empire where membership of the English, Scotch or Irish Bars is a necessary qualification for practice.

“NEXT: Applicants already qualified to practice (under whatever title) as Advocates in a superior Court of the portion of the British Empire in which they are domiciled.

“NEXT: Applicants educated between the ages of 13 and 18 mainly within Great Britain or Ireland.

“NEXT: Applicants who are members of an University in Great Britain or Ireland.

“NEXT: Other applicants.”

On paper, at least, this list of priorities addressed the Middle Temple’s concerns about replenishing its bench by allowing them to privilege students who intended to remain in the UK after their call. It also supported the notion that overseas students coming to Britain should have already studied law in some capacity in their countries of origin. It accounted for cultural

⁷² IT BEN Nov 13, 1928.

difference by giving priority to individuals educated in the British Isles. A separate addendum to the regulations, added later that year, allowed overseas students to be called to the bar after keeping eight rather than twelve terms. All of these regulations, however, were prefaced by the caveat that the benchers of any Inn could “relax” any of the rules under “special circumstances,” in effect allowing each Inn free reign to comply or not as it saw fit.⁷³ Such a provision would mean that the Middle Temple and Lincoln’s Inn would comply with the new regulations, while the Inner Temple and Gray’s Inn went about their admission processes as usual. The Middle Temple refused to adopt the changes, feeling that their “difficulties” would not be resolved by the proposed amendments. Further, they worried that the changes would “create a distinction between the subjects of the Crown which is not desirable in the interests of the Empire,” and that the regulations would discriminate against “Indians who desire to study ... in this country” in particular.⁷⁴

The Inns never agreed upon a satisfactory resolution to the overseas student problem, nor did they form another joint committee to discuss the issue. Concerns about overseas students gradually disappeared from the Middle Temple’s minutes in the early 1930s, supplanted by worries over “aliens” and refugees from Hitler’s Europe, and then by the exigencies of air raids. Indian independence shortly after war’s end dramatically reduced the number of Indian students coming to Britain. The numbers of students from other parts of the empire briefly spiked in the immediate post-war period, then similarly declined in the wake of newly-formed independent nations throughout the 1960s.⁷⁵ Those overseas students who did come to the Inns, particularly students of color, faced unique disadvantages throughout the remainder of the century, particularly in terms of finding pupillage in chambers. Such exclusions represented the spatial

⁷³ IT BEN Jun 14, 1929.

⁷⁴ MT MPA Jul 16, 1929.

⁷⁵ Richard L. Abel, *The Legal Profession in England and Wales* (New York: Blackwell, 1988), 76-79.

logic of discrimination, informally shutting overseas members of the Inns out of spaces critical to professional advancement. A continuation of discriminatory practices beginning earlier in the century, these exclusions did not extend to foreign students alone. As the next chapter explores, in the 1920s and 1930s, the Inns denied women law students and barristers professional advantages through official and unofficial spatial regulations designed to marginalize women at the Inns.

Chapter 5 – Women Barristers at the Inns

“Still Obdurate!” declared a March 1, 1918 headline of the *Vote*, press organ of Britain’s Women’s Freedom League (WFL). The article that followed detailed WFL member Helena Normanton’s continued efforts to become a barrister and lambasted the Inns of Court as outmoded institutions that stood in her way. From its inception in 1909, the *Vote* celebrated women’s legal thought and practice, applauding universities’ gradual opening of law classes to women, and featuring articles on successful women lawyers from around the world. As the paper frequently noted, women in England could earn law degrees from British universities, but the Inns of Court cited long-standing custom to prohibit women from practicing as barristers. In 1903 Gray’s Inn denied admission to a female applicant on the grounds that “there was no precedent for ladies being called to the English Bar.”¹ Similarly, Normanton explained the Middle Temple’s refusal to admit her in 1918, “As [long as] the customary tradition of the four Inns of Court persists no woman may be called to become a barrister.”² Normanton and other women’s rights activists continued to campaign for entry, however, until the Sex Disqualification (Removal) Act 1919 opened the bar to women.

This chapter explores both the deliberate and unintentional roadblocks to women’s membership of and success at the bar created by the Inns in the early twentieth century. It also traces various strategies women enacted to navigate the resolutely masculine legal profession. The chapter departs from others in this project in that it employs an extended case study, following Helena Normanton’s struggles in order to explore anxieties about and attitudes toward women’s entry to the legal profession. Convinced of her own importance, Normanton preserved

¹ “Why Women Need Women Lawyers!” *Vote*, Nov 21, 1919. “Women and the Bar,” *Times*, Dec 3, 1903. Significantly, women practiced as barristers in parts of Canada, New Zealand, and Australia as early as 1900. Mary Jane Mossman, *The First Women Lawyers* (Portland: Hart Publishing, 2006), 14.

² “Women and the Law,” *Vote*, Mar 15, 1918.

an extensive archive of letters and personal papers relating to her career. Her archive presents the obvious bias of its collector, but it also offers some of the richest and most vivid accounts of the early days of women at the bar. The chapter tempers this material with outside sources; several heated encounters with the trustees of the Inns, as well as other male and female barristers, for example, appeared in both Normanton's records and the societies'. These conflicts reveal the extent to which women barristers could push against or comply with tradition at the Inns, and the ways in which the societies resisted, targeted, or (more rarely) accommodated female members. This chapter also examines a wide variety of newspaper sources, highlighting the interwar press as a representational space for ambivalent debates over women's place in the professions.

Many of the women who joined the Inns of Court in the 1920s and 1930s did not share the feminist commitments of Normanton and her colleagues. The chapter nevertheless understands the campaign to open the bar and the actions of a subset of the women who subsequently joined the societies as an extension of pre-war feminist activity, in contrast to declension narratives of interwar feminism.³ Normanton and other women's early efforts to be admitted to the Inns of Court grew in tandem with feminist agitation for the vote.⁴ By the turn of the century, organized efforts to secure women's rights had reached a fever pitch, and women's groups demanded not only suffrage but professional and economic parity. Feminists campaigned

³ Brian Harrison, *Prudent Revolutionaries* (New York: Clarendon Press, 1987). Johanna Alberti, "Keeping the Candle Burning: Some British Feminists between Two Wars," in *Suffrage and Beyond International Feminist Perspectives*, ed. Caroline Daley and Melanie Nolan, (New York: New York University Press, 1994), 295-312. Susan Kingsley Kent, *Making Peace* (Princeton: Princeton University Press, 1993). Harold L. Smith, Pat Thane, and Esther Breitenbach have made convincing challenges to these assertions. Harold L. Smith, *The British Women's Suffrage Campaign 1866-1928* (Harlow: Pearson Education Limited, 2007). Pat Thane and Esther Breitenbach, *Women and Citizenship in Britain and Ireland in the Twentieth Century* (London: Continuum, 2010).

⁴ Before the early twentieth century women challenged their exclusion from the bar indirectly. Women did not apply for admission to any of the Inns, but rare individuals worked at the boundaries of the legal profession in roles similar to those of legal assistants. In 1875, for example, Eliza Orme established a law office in Chancery Lane and worked as a conveyancer and patent agent. Mary Jane Mossman, *The First Women Lawyers*, 120.

to open some of the last remaining “gentlemanly” professions to women: Parliament, the church, and law.⁵ Beyond political participation and economic opportunities, groups like the WFL contended, women needed other women to represent their interests in court and government. Testing the Inns’ resolve to keep the profession resolutely masculine, feminists like Helena Normanton applied for admission to the Inns of Court. Nothing in the societies’ consolidated regulations specified gender as a requirement, but the Inns flatly refused to admit women.

The Sex Disqualification (Removal) Act 1919 that opened the professions to women represented the most direct and significant parliamentary intervention the Inns of Court had ever experienced. As the preceding chapters detail, throughout the nineteenth century the Inns faced potential Parliamentary interference in everything from legal education to municipal governance. Developments like the Victoria Embankment encroached on the Inns’ geographic bounds, but they ultimately did not threaten the independent governance of the Inns nor did they change the fundamental makeup of the societies. In all other matters that came under parliamentary investigation, from ensuring the quality of admitted students and those called to the bar, to providing for the fair governance of the Inns, the societies undertook small, self-directed reforms. When it came to opening the bar to women, however, the benchers firmly refused to act even though failure to do so would mean legislative intervention. The Inns found admitting women to their masculine domain so distasteful that they knowingly waited for outside intervention to force their hand rather than willingly spoil their homosocial preserve.

⁵ Jenny Daggers, “The Victorian Female Civilising Mission and Women’s Aspirations Towards Priesthood in the Church of England,” *Women’s History Review* 10: 4 (2001), 651-70. Carol Dyhouse, “Women students and the London medical schools, 1914-39: the anatomy of a masculine culture,” *Gender and History*, 10: 1 (1998), 110-32. Anne Logan, “Professionalism and the impact of England’s First Women Justices, 1920-1950,” *Historical Journal*. 49: 3 (2006), 833-50. Lucy Delap, “Conservative values Anglicans and the gender order in inter-war Britain,” in *Brave New World* (London: University of London, 2011), 149-168. Timothy Jones, “ ‘Unduly conscious of her sex’: priesthood, female bodies, and sacred space in the Church of England,” *Women’s History Review* 21:4 (2012), 639-655.

Once Parliament required the Inns to admit women, the societies took pains to preserve their masculine character by manipulating the built environment and its ties to tradition to marginalize female members. As Timothy Jones argues in his work on the Anglican Church, institutions that could not justify excluding women in terms of their physical or mental abilities appealed to long-standing and ritualistic gendered divisions of space.⁶ Just as members of the bar internalized values of fraternity, so too did they absorb and replicate practices of preferment and discrimination via historic rituals in the societies' halls and common rooms. The Inns also debated and enacted policies restricting women's presence in or use of key spaces of social interaction and professional development. The ratio of men to women at the Inns further ensured the societies' enduring masculine quality. In 1920, for example, the Middle Temple admitted 33 women and 330 men, and the other three Inns combined took only 13 women. Of all the women admitted in the interwar period, just under two-thirds were called to the bar, and it is impossible to say for certain how many went on to practice.⁷ Some women law students and barristers, particularly those with feminist motivations and backgrounds in campaigns for women's suffrage, like Normanton and her colleague Crystal Macmillan, challenged the societies' restrictions in their actions or behaviors. As a group, however, women overwhelmingly accepted the dictates of the Inns and tried to accord with the societies' masculine culture.

If the numbers of women at the Inns were slight, the attention the media devoted to their studentship and early careers magnified their presence. The press acted as a representational subsidiary for debating women's place in the legal profession and forming popular attitudes

⁶ Timothy Jones, "'Unduly conscious of her sex.'" See also Lucy Delap, "Conservative values." Alison Light, *Forever England* (London: Routledge, 1991).

⁷ Throughout the interwar period these numbers fluctuated only very slightly: between 1919 and 1939, women represented only 4 percent of the Inns' total admissions. It is possible that during the interwar period fewer than twenty women made a living exclusively from practice at the bar. Richard L. Abel, *The Legal Profession in England and Wales* (Oxford: Basil Blackwell, 1988), 79-85. Patrick Polden, "Portia's Progress," *International Journal of the Legal Profession* 12 (2005), 295, 302, 314.

about lady barristers. Newspapers were vociferous, if ultimately ambivalent, interlocutors in women's introduction to the bar. In his study of the interwar press, Adrian Bingham argues that editors, trying to please male and female audiences and raise advertising revenue from booming industries such as fashion, printed stories with conflicting messages and appeal.⁸ After World War I, as before, suffragist papers such as the *Vote* and the *Common Cause* agitated for women's entry to the closed professions as well as for the franchise. At the same time legal journals and the popular press, eager to garner copy from the women's movement, began to weigh in on women's place at the bar. Papers, whether liberal or conservative, often caricatured the lady barrister and mocked the retrograde Inns in the same column. Satire allowed presses to sell more copies than would unreserved support for any particular interest group.

Normanton's fight to enter and practice at the bar also highlights the issue of self-representation in the interwar period. Women's achievements, bodies, and fashion attracted national attention, but how much room did this leave women to cultivate their own public persona? Normanton maintained a long but ambivalent relationship with the press. Media attention could result in unwanted notoriety; nonetheless, Normanton relied on publicity to establish her reputation and maintain her status as a public figure. Furthermore, to sidestep Inn-imposed injunctions against self-advertising she had to court the press without seeming to, leaving little recourse against objectionable copy. Together, personal papers, institutional records, and newspaper articles offer a multifaceted view of the meanings of and possibilities for women professionals in the interwar period, and more broadly reveal the spatial underpinnings of gendered institutions.

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⁸ Adrian Bingham, *Gender, Modernity, and the Popular Press in Inter-War Britain* (New York: Clarendon Press, 2004).

When applying to become a law student in 1918, Helena Normanton understood that the institutions to which she sought entry had defined themselves as exclusive and masculine from the beginning of their 600-hundred-year existence. At a meeting of benchers in 1918, the Treasurer reiterated the importance of precedent for continuing to exclude women from the society. “The question of the admission of women to [the Inns] was settled,” he explained, “on the principle that their legal incapacity appeared from the uninterrupted usage of many centuries ... and this principle ... is the basis upon which numberless rights rest[;] indeed the whole body of the Common Law has no other foundation.”⁹ Women could not be called to the bar, he argued, because historically women had not been called to the bar. To question this precedent would be akin to questioning the foundation of the English legal system. The Treasurer further referred to the 1913 case of *Bebb v. Law Society*, in which four women applied to sit for solicitors’ examinations and were refused. The women appealed the case, but the presiding judge upheld the Law Society’s decision, maintaining that women were not “persons” according to the meaning of the 1843 Solicitors Act.¹⁰ Common Law, affirmed by the decision of an appellate court justice, clearly excluded women from the legal profession.

Exclusion from the bar, according to this precedent, was based on women’s legal incapacities. In 1918, when Helena Normanton petitioned the Middle Temple, British women still faced many legal inequalities, but were no longer—at least not entirely—legally incapacitated. The 1870 and 1882 Married Women’s Property Acts released wives from the laws of coverture, declaring all wages and property acquired by women a separate estate from that of their husbands. After the First World War, and less than three weeks before Normanton submitted her petition, the 1918 Representation of the People Act enfranchised English women

⁹ MT MPA Feb 21, 1918.

¹⁰ “Women as Solicitors,” *Law Times*, Mar 10, 1917.

over the age of thirty meeting minimum property requirements. By the terms of this act a significant number of women, though deliberately less than half the voting population, could make their opinions felt at the ballot box.¹¹ Normanton encouraged women to vote strategically for women's benefit. In an editorial in the *Vote* from December 1918 she enjoined readers to, "Oppose Lawyers Who Oppose Women as Lawyers."¹²

Normanton's appeal to female voters was typical of her political activity, which focused on empowering women to "plunge ever more fully into the public and economic stream of affairs" and by so doing benefit all women.¹³ Growing up in a Brighton boarding house, Normanton watched her widowed mother support a family without male help. A promising student, Normanton won a scholarship to a Brighton grammar school and then a place at a Liverpool teachers' training college. She read for a history degree at London University and studied French language, literature, and history at Dijon University. Thereafter she supported herself by working as a tutor and lecturing at Glasgow and London Universities.¹⁴ As a single professional woman, Normanton placed great weight on women's economic and legal independence. She was an active member of the Women's Freedom League and a frequent contributor to the *Vote*, as well as many of London's daily presses. She supported and corresponded with a number of women's unions and associations, particularly those composed of women teachers.¹⁵ Her 1914 pamphlet *Sex Differentiation in Salary* advocated equal pay for equal work, emphasizing the plight of female breadwinners whose numbers increased due to wartime conditions.

¹¹ Cheryl Law, *Suffrage and Power* (New York: St Martin's Press, 1997), 34.

¹² Helena Normanton, "Oppose Lawyers Who Oppose Women as Lawyers," *Vote*, Dec 6, 1918.

¹³ Helena Normanton, *Everyday Law for Women* (London: Ivor Nicholson and Watson, 1932), ix.

¹⁴ Joanne Workman, "Normanton, Helena Florence (1882-1957)," *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

¹⁵ Women's Library 7HLN/A/05, 7HLN/A/06.

Normanton understood female legal professionals as critical to righting economic and other injustices in women's personal and professional lives. Though she continued to campaign for full female suffrage, after the 1918 Act the majority of Normanton's WFL lectures and articles in the *Vote* focused on the necessity of opening both sides of the legal profession, barrister and solicitor, to women. Normanton's arguments were similar to those of other pre- and post-war equal rights feminists. Prohibiting women from practice, she asserted, did not serve the public interest. It discouraged wronged women from seeking out legal rather than extralegal redress. It prevented individuals with a talent for law from contributing to their nation.¹⁶ Female teachers and civil servants, who had already made inroads for women's rights, could never fully press for equal opportunities as long as they could not hire female legal advisers. Similarly, Normanton spoke of the negative consequences of impeding laboring women's ability to consult with female counsel "in intimate and utter confidence."¹⁷ Women would not realize their full legal rights or redresses as long as they had to endure the embarrassment of confiding intimate harms to male legal professionals.

Newspapers dedicated to the legal profession, such as the *Law Times*, frequently reported on women's issues and expressed support for moderate suffragist campaigners in the years preceding the Great War.¹⁸ Contributors did not explicitly extend this approbation to women entering the legal profession, but neither did they raise opposition to the idea until war altered professional demographics. With the obituaries of young lawyers overflowing the pages of the *Law Times* and a population of non-members filling newly-vacant chambers at the Inns, one

¹⁶ Helena Normanton, "Women and the Law," *Vote*, Mar 15, 1918.

¹⁷ Helena Normanton, "Oppose Lawyers Who Oppose Women as Lawyers," *Vote*, Dec 6, 1918. "Women and the Law," *Vote*, May 30, 1919. "Why Women Need Women Lawyers!" *Vote*, Nov 21, 1919.

¹⁸ Using 1910 as an example: "Is Forcible Feeding Justifiable," *Law Times*, Feb 5, 1910. "Occasional Notes," *Law Times*, Mar 12; May 7; Jun 25; Jul 9; Aug 6; Aug 27; Sept 3; Sept 24; Oct 8; Nov 5; Dec 10, 1910. "Women Suffrage Measures in America," *Law Times*, Jun 4, 1910.

anonymous 1917 contributor stated that “with regard to the admission of women to practice as barristers, ...the present time is hardly opportune—to use a no stronger expression.” Another unsigned article accused women who sought entry to the bar of trying to “take advantage of the absence of those who have sacrificed their existing positions or future careers to uphold the cause of this country.”¹⁹ After the war, however, with demobilization under way and surviving members trickling back into the Inns, the legal press became more receptive to opening the Bar to women. Women had not only assumed many new occupations during the war, but they were widely viewed as having sustained the efforts of the home front. In keeping with a popular argument regarding female suffrage, some articles in the legal press claimed that women had proved their worth and deserved a just reward. Given “the facts of the last four years,” one correspondent to the *Law Times* wrote in 1919, “the time is arriving when the doors of the Profession should be opened to all persons irrespective of sex.”²⁰

When the Middle Temple rejected Normanton’s application in February 1918, she sent a petition against the benchers’ decision to the Lord Chancellor and the judges of the High Court. Together these bodies constituted a tribunal of appeals. Lord Chancellor Finlay ignored Normanton’s appeal, as did his successor the following year, Lord Birkenhead. By the time Normanton wrote to the Lord Chancellor reminding him of her petition, he had already begun to push through Parliament a short but significant bill that would prohibit the disqualification of a person “by sex or marriage” from “carrying on any civil or professional vocation.” Not

¹⁹ “Bar Meeting,” *Law Times*, Jan 6, 1917. “Admission of Women,” *Law Times*, Jul 20, 1918. See also, “Women and the Bar Meeting,” *Law Times*, Jan 20, 1917. “Admission of Women to the Bar,” Jan 27, 1917. “Women as Solicitors,” *Law Times*, Feb 3, 1917. “Women as Solicitors,” *Law Times*, Feb 24, 1917. “Women as Solicitors,” *Law Times*, Mar 10, 1917. “Women as Solicitors,” *Law Times*, Mar 17, 1917. “The Profession During the War,” *Law Times*, Jul 14, 1917. “1917,” *Law Times*, Dec 29, 1917. “Women and the Law,” *Law Times*, Mar 23, 1918. “Admission of Women,” *Law Times*, Jul 20, 1918.

²⁰ “Women and the Law,” *Law Times*, Feb 1, 1919. “Women and the Law,” *Law Times*, Mar 15, 1919. “Women and the Law,” *Law Times*, Mar 29, 1919. “Women and the Profession,” *Law Times*, Apr 5, 1919. “Admission of Women as Solicitors,” *Law Times*, Apr 5, 1919. “Barristers and Solicitors (Qualification of Women) Bill,” *Law Times*, Jul 5, 1919.

especially sympathetic to women's rights, Lord Birkenhead acted to pre-empt the passage of a similar bill put forward by the Labour Party. The latter legislation would have allowed women to hold civil and professional offices, but also to vote at the age of twenty-one, and to sit as peeresses in the House of Lords. The Lord Chancellor's bill relieved the pressure to open the professions without altering the ratio of male to female voters or opening the Lords to women.²¹ For her part, Normanton said curiously little for or against either party's bill. A letter to the Director General of the BBC thirty years later revealed that the bills may have run contrary to Normanton's sense of her own importance. She cast herself as poised to open the legal profession to women single-handedly, until legislation made her appeal to the Lord Chancellor disappointingly unnecessary.²²

Aware that Lord Birkenhead's bill was very likely to pass, in January 1919 a joint committee of the four Inns of Court met to discuss the "desirability and the legality of women being admitted as Students and called to the Bar."²³ The benchers' worries were threefold. Allowing women to become members of the Inns would disrupt six centuries of tradition, highly distressing for institutions founded almost exclusively on precedent. Further, having their hands forced by Parliamentary legislation was anathema to the benchers, who preferred to view their authority over their societies as extra-governmental. If the legislation passed, the societies also needed to prepare for the material reality of women joining the Inns. Would women take chambers? Dine together or separately from men in hall? Where would the societies fit a ladies' lavatory? Throughout the nineteenth century, the benchers had forestalled state intervention

²¹ Sex Disqualification (Removal) Act, 1919, 9 & 10 Geo 5, c. 71. F. A. R. Bennion, "The Sex Disqualification (Removal) Act – 60 Inglorious Years," *New Law Journal* (13 December 1979), 1240-1241. Sandra Fredman, *Women and the Law*, (Oxford: Oxford University Press, 2002), 65. Charles R. Epp, *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*, (Chicago: The University of Chicago Press, 1998), 123.

²² Helena Normanton, "Oppose Lawyers who Oppose Women as Lawyers," *Vote*, Dec 6, 1918. Women's Library 7/HLN/A/17 Oct 28, 1952.

²³ MT MPA Jan 16, 1919.

through self-initiated reform.²⁴ Yet at their February meeting, the benchers refused to act. The societies decided to resist women's presence until coercive legislation mandated otherwise.²⁵

To the disappointment of the benchers, Parliament passed the Sex Disqualification (Removal) Act on December 23, 1919. The following day, Normanton petitioned the Middle Temple for admission.²⁶ The Inns of Court may have disliked the legislation, but even self-regulating bodies could not defy an act of Parliament. The society granted her petition, and by the end of 1920 the Middle Temple had admitted thirty-three female students.²⁷ The benchers set about reorganizing common spaces and formed a committee to take any necessary steps "in regard to lavatory accommodation, etc."²⁸

The benchers and residents of the Inns regarded the use and divisions of Temple space as more than a practical concern. As chapter one contends, the elevated status of tradition at the Inns derived not just from the role of precedent in common law, but from a deep regard for past styles and values as manifested in embodied rituals. As they had since the middle ages, men donned black gowns, proceeded into hall two by two, broke into groups of four, and shared a meal of roast meats and wine. On special occasions members might drink a Loving Cup, a goblet full of a mysterious Elizabethan recipe. All sipped from the same cup, flanked on either side by brethren members to "guard" them, another medieval remnant. Calls to the bar were held in hall three times a year at ceremonies reserved for members only. Friends and family could watch from the Minstrel's Gallery above. As Daniel Duman argues, such rituals ensured that all

²⁴ Daniel Duman, *The English and Colonial Bars*, (London: Croom Helm, 1983), 55-68. William Cornish, J Stuart Anderson, et. al., *The Oxford History of the Laws of England Vol XII* (Oxford: Oxford University Press, 2010). Raymond Cocks, *Foundations of the Modern Bar* (London: Sweet & Maxwell, 1983).

²⁵ IT BEN Feb 19, 1919.

²⁶ "Another Barrier Down!" *Vote*, Jan 2, 1920.

²⁷ "Women Law Students," *Vote*, Jun 18, 1920. Patrick Polden, "Portia's Progress," 295.

²⁸ MT MPA Dec 19, 1919.

barristers underwent identical rites of passage, advancing a standard professional outlook and occupational solidarity.²⁹

Members of the Inns purported to be more perturbed by changes to the use of Temple space than by female competition or the propriety of female pleaders. Exploiting their historic link to Fleet Street, indignant members of the societies expressed their misgivings in the daily press. In an editorial in the *Pall Mall Gazette*, one member of an Inn explained, “To the dining halls attaches a tradition which has been built up by many famous men, and some of us ... cherish that tradition and the customs. The presence of women has not been one of those customs.” He did not dispute that it was in the public interest to allow female barristers. But why, he asked, not institute a separate Inn, “a kind of London Girton?”³⁰ Similarly, a barrister correspondent to the *Evening Standard* proposed that, rather than “intrude into the semi-collegiate life of the Inns of Court,” women from all four Inns should take their meals together in a separate location.³¹ Neither author objected to female barristers professionally, they claimed, but to the disruption to their homosocial spaces. Yet beneath their assertions lay the reality that at the Inns sociability was intimately connected to professional success. The writers’ references to colleges, especially Girton, are particularly revealing. Cambridge’s women’s colleges were not just separate facilities. Before 1921 women could sit exams but could not take degree titles, and even with titular degrees from their colleges were excluded from the privileges of full university membership.³² The model the newspaper correspondents proposed would not only preserve masculine homosociability in the Temple, it would also ensure female professional subordination.

²⁹ Daniel Duman, *The English and Colonial Bars*, 40.

³⁰ M. T., “Women and the Bar,” *Pall Mall Gazette*, Jan 1, 1920.

³¹ Untitled, *Evening Standard*, Jan 13, 1920.

³² Carol Dyhouse, *Students: A Gendered History* (London: Routledge, 2006), 124-125. Christopher N. L. Brooke, *A History of the University of Cambridge Volume IV* (Cambridge: Cambridge University Press, 1993), 326.

Views on women in the Inns appeared not only in barristers' editorials, but also in the feminist and legal presses. Immediately after the passing of the Sex (Disqualification) Removal Act, the *Vote* responded with the triumphant headline, "Another Barrier Down!"³³ Subsequent articles appeared monthly, if not more frequently, to update readers on female law students' progress and examination results. The *Law Times*, by contrast, though seemingly supportive, gave little coverage to women's entry. The paper had reported on debates over opening the profession to women throughout the Great War, but in 1920 only one January article covered women's recent admission to the bar. A brief paragraph in the "Occasional Notes" section mentioned that several women had applied to the Inns. The paper suggested their presence as an "opportunity for an appreciation of [women's] ability in law and administration." With this ambiguous comment, the author might have implied that women were best suited for the work of legal clerks, rather than that of barristers, as much as lauded their introduction to the bar. The article concluded, however, by noting the recent first—and successful—brief of the first woman to enter the legal profession in Nova Scotia.³⁴

Eager to capitalize on female accomplishments, the daily national and London press was a much more frequent participant in covering women's early experiences at the Inns. Liberal and conservative papers alike, including the *Pall Mall Gazette*, *Daily Mirror*, *Morning Post*, *Evening Standard*, and *Daily News* published a number of articles clustered around "firsts" relating to women at the bar. The initial cluster was printed in January 1920, just after women had been admitted. Some articles expressed great approbation for women's presence in the Inns and others great cynicism, sometimes both within the same article or paper.³⁵ A feature in the *Daily Mirror*, for instance, mocked the Inns for being pretentious and retrograde; not a "preserve of the

³³ "Another Barrier Down!" *Vote*, Jan 2, 1920.

³⁴ "Occasional Notes," *Law Times*, Jan 3, 1920.

³⁵ Adrian Bingham, *Gender, Modernity, and the Popular Press*, 10.

law” but rather “a fort.” At the same time, the news article lampooned an imaginary woman barrister holding conferences in her Mayfair drawing room over tea, or worse, scrubbing and curtaining the windows of a set of Temple chambers. The idea of a woman “clear[ing] up the dust and bring[ing] in the muslin curtains” was, the author suggested, as comical as the stodgy Inns themselves.³⁶

The press paid particular attention to women’s participation in rituals and events that marked rites of passage for law students. In January 1920, for example, the *Morning Post* announced that for the first time in history three women, “suitably enveloped in the Bar student’s robe,” would be dining in the Middle Temple Hall. The article cheerfully anticipated these women’s acquaintance with Queen Elizabeth’s Pudding, a concoction after the recipe of one supposedly made by the eponymous monarch herself. Women law students would, the article suggested, eagerly learn “this and other traditions.”³⁷ The first tradition the benchers of the Middle Temple attempted to inculcate, however, was that of restrictive homosociability. The benchers resolved, “That all Lady Students ... in Hall must sit at the table reserved for their exclusive use.”³⁸ The society had been forced to admit women, and these women would dine in hall. But there was no reason, the benchers concluded, for women to join men at table and further disrupt dining fraternity.

Both the conservative and liberal press reacted to the Middle Temple’s decision to separate women with indignation and scorn. “Are the Benchers of the Middle Temple after all a little frightened of the women law students they have admitted into their midst?” sneered the *Daily News*. “It seems rather like it.”³⁹ Papers that similarly appealed to women readers

³⁶ “HOW WILL LADY LAWYERS ‘PRACTICE’?” *Daily Mirror*, Jan 6, 1920.

³⁷ “Women Bar Students. Dinner in Hall,” *Morning Post*, Jan 10, 1920.

³⁸ MT MPA Jan 16, 1920.

³⁹ “WOMEN AT THE INNS. Must Dine at Separate Tables in the Middle Temple,” *Daily News*, Jan 21, 1920.

described women students' experiences at the Inner Temple, which had not followed the Middle Temple's example, as evidence of the absurdity of separating female diners. An Inner Templar wrote the *Daily Mail*, "Personally I have dined in Hall when two women students were present. So far as I could see ... they fitted into the routine of student dining ways in the most normal manner."⁴⁰ Even the conservative *Morning Post* reported, "The change in students' corporate life has hardly been perceptible, and as most of the women students have come down from the Universities they have assimilated themselves on the whole satisfactorily to their new surroundings."⁴¹

Contributors to the daily press opposed the benchers' decision to separate women because they connected dining in hall to important tutorial and networking functions. Students could learn the tenets of the law from books and treatises, but the tenets of legal etiquette did not exist in printed form. Members of the bar argued that when they dined in hall, established barristers imparted the culture and etiquette of the bar to new members. Students, as many commentators observed, learned the practices and attitudes appropriate to the profession at table. "Nothing serves to fashion the outlook of a newcomer ... more effectively than rubbing shoulders with those who are even a little more senior to himself," wrote one memoirist.⁴² Relegating them to their own table denied the women students at the Middle Temple the opportunity of interacting with senior members of the bar. "How are the women to acquire the tradition of which the legal profession prides itself," asked a contributor to the *Daily News*, "if they are not to mix in social intercourse with the men?"⁴³

⁴⁰ "WOMEN BAR STUDENTS. DINING ROUTINE," *Daily Mail*, Jan 31, 1920.

⁴¹ "WOMEN LAWYERS. Twenty Portias in the Middle Temple," *Morning Post*, Aug 14, 1920.

⁴² Gilchrist Alexander, *After Court Hours* (London: Butterworth & Co., 1950), 71.

⁴³ "Women's Tables," *Daily News*, Jan 27, 1920.

In an unpublished letter to the editor of an unidentified newspaper, Normanton suggested a more covert reason for segregating male and female diners. The “current speculation,” she informed the editor, “ascribes the separation ... to a desire to prevent contact between the women and the numerous Oriental students [at the Middle Temple].”⁴⁴ As authors repeatedly emphasized, the Middle Temple admitted the greatest number of overseas students of the four Inns. The entrance of women to the societies also coincided with the height of the Inns’ concern about Indian nationalists. Nothing in the society’s records corroborates Normanton’s contention, however, or connects the society’s separation of women to a desire to shield them from people of color. More likely this explanation circulated as a rumor among the bar’s rank and file. Such a rumor suggested that, regardless of the motivations of the benchers, members of the bar worried about contact between women members and colonial subjects. Given the separation that overseas students described between themselves and English members of the bar in all other aspects of professional life, English women and colonial members were most likely to intermingle at dinner. Rather than the political concerns that sparked official surveillance of radical colonial students, members responsible for the rumor likely drew on racial stereotypes of hypersexual oriental men. Of course, such concerns figured all colonial members of the Inn as male, whereas in reality at least half of the women admitted to the Middle Temple were themselves from overseas.⁴⁵

Almost immediately after the benchers announced their decision regarding the separate table, Normanton contacted the other women students at the Middle Temple to confer. She received in response a letter from Monica Geikie Cobb, a rector’s daughter who would later achieve the distinction of being the first woman in England to hold a brief. Cobb’s letter

⁴⁴ Women’s Library 7HLN/A/17 Undated.

⁴⁵ The figures vary by period, but Polden estimates between 44 and 69 percent of women called to the bar annually came from overseas, in greatest number from India. Patrick Polden, “Portia’s Progress,” 295.

explained that while dining in hall together one evening, six of the ten women students had discussed the matter and unanimously felt “that no concerted action should be taken” regarding the segregation. The women did not “wish to do other than fall in with any arrangements” made for them, stating that they believed the benchers’ decision to be “the outcome of kind thought for [their] comfort.”⁴⁶ It remains unclear whether the other women students were really satisfied with the arrangement or just wished to draw as little extra attention to themselves as possible. In either case, Normanton could not count on their support if she decided to challenge the benchers. Though she remained opposed to women dining apart, Normanton agreed to “subordinate [her] views,” foregoing published criticism in hopes that the women students’ “own demeanour should give sufficient reason for the change whenever the benchers should see fit to reconsider the matter.”⁴⁷

Normanton would soon learn that she had good reason to hesitate in publishing anything that might recount her experience at the Inns. As we have seen, legal etiquette forbade any form of self-advertising; barristers received briefs by making connections with solicitors and pleading successful cases, not through newspaper ads.⁴⁸ In theory, proscriptions against advertising applied only to material that would promote Normanton’s legal career. Other barristers active in civic life frequently appeared in print in their roles as MPs, public officials, and even authors. Indeed, Victorian fiction had popularized the trope of the struggling barrister-cum-journalist printing scraps of writing to make ends meet.⁴⁹ Yet in Normanton’s case, the benchers chose to interpret self-publicizing more broadly than as advertisement for legal services.

⁴⁶ Women’s Library 7HLN/A/17, Jan 19, 1920.

⁴⁷ Women’s Library 7HLN/A/17, undated. MT MPA May 18, 1933.

⁴⁸ MT MPA Jan 13, 1899. MT MPA Jan 15, 1910.

⁴⁹ Daniel Duman, *The English and Colonial Bars*. William Cornish, J Stuart Anderson, et. al., *The Oxford History of the Laws of England*. Raymond Cocks, *Foundations of the Modern Bar. A Chance Medley Extracts from “Silk and Stuff”* (London: Constable & Company LTD., 1911).

The Middle Temple deliberately reinterpreted rules about advertising to handicap Normanton's public presence and threaten her standing at the Inn. Other women barristers appeared in print, but because they were not outspoken feminists, these women did not face disciplinary action. In November 1920, for example, the *Law Journal* featured an article on women students' examination results, making special mention of Monica Geikie Cobb's first class marks in Criminal Law and Procedure.⁵⁰ Though it was unusual for papers to publish anything more than a list of the names of those who passed, the Middle Temple offered Geikie Cobb no reproach. The following January, however, when the *Evening Standard* ran an article, reprinted by several other papers, on Normanton's first class marks in Constitutional Law and Legal History, the benchers required her to explain how her name came to be in print.⁵¹ Normanton sent them letters from the editors of over a dozen presses, including the *Pall Mall Gazette*, *Evening Standard*, *Daily Mail*, *Daily Telegraph*, and *Times*, all stating that she had not sought publicity or willingly given them interviews. The benchers accepted her explanation, but took the occasion to warn her to be cautious and avoid future appearances in print.⁵² Yet before the year was out, Normanton faced another committee of benchers to account for newspapers articles on her marriage, particularly her printed correction in the *Times* stating that she had not assumed her husband's surname. Again in 1922 she came before the benchers to explain photographs of her in wig and gown published after her call to the bar generated fresh press attention.⁵³ On neither occasion did the benchers take disciplinary action, but repeatedly calling her to account for herself reiterated the benchers' absolute authority over the bar and their ability to prevent her from practicing should she step too far out of line.

⁵⁰ "Women and the Bar Examinations," *Law Journal*, Nov 6, 1920.

⁵¹ Women's Library HLN/A/07, undated.

⁵² MT 1 LBO 25 Dec 1920 – Nov 1921, Jan 17, 25, 28 1921, Feb 7, 1921, May 31, 1921.

⁵³ Women's Library 7HLN/A/07 Nov 11, 1921, Nov 18, 1922.

Normanton's conflicts with the press and the benchers illustrate her difficulties in navigating the restrictions of legal culture and etiquette while continuing to function as a public figure. Becoming a member of the Middle Temple severely limited Normanton's ability to respond to printed criticism just as it thrust her more prominently into the scrutinizing eye of the press.⁵⁴ Caught between the press's willingness to capitalize on the details of her life and career, and the bar's censure for any newspaper appearances, even corrections, Normanton found little room to fashion her own public representation. Yet renown was crucial to her professional success: she understood her work to be for women's advancement, and expected her success to come from pleading particular kinds of cases. It was crucial that solicitors with female clients seek her out in instances of property disputes, rape, and divorce. Normanton therefore endeavored to placate the benchers by appearing to adhere to legal etiquette and avoid press attention. At the same time, she rationalized deliberate violations of injunctions against publicity by appealing to her ignorance of the minutiae of legal etiquette, the fault of the benchers' restrictions on mixed-gender socialization in hall.⁵⁵

The small crop of soon-to-be lady barristers presented the benchers with yet another challenge to legal tradition: proper female attire at the bar. By the 1920s, changes in fashion had relaxed the formal and conservative cuts of the late-nineteenth century for men and women alike.⁵⁶ The benchers and older members of the bar found the new male professional uniform of bowler and lounge suit a startling contrast to the former fashion of top hat and tailcoat. As one memoirist recalled in the 1930s, "What a shock the old-time barrister would get if he saw the

⁵⁴ Women's Library HLN/A/07, undated.

⁵⁵ Women's Library 7HLN/A/07, undated.

⁵⁶ Christopher Breward, *The Hidden Consumer* (Manchester: Manchester University Press, 1999). Brent Shannon, *The Cut of His Coat* (Athens: Ohio University Press).

modern easy fashions.”⁵⁷ The possibility of women’s colorful or revealing attire disrupting the stark white wig and black gown of the barrister distressed the benchers even more than men’s casual apparel. When in April of 1922 a joint committee of the Inns met to decide the parameters of acceptable female attire, they concluded that lady barristers would wear the ordinary wig and gown traditional to the profession. Women barristers must, they emphasized, take care that the wig should “completely cover and conceal the hair.” Dresses were to be “plain, black or very dark, high to the neck, with long sleeves, and not shorter than the gown, with high, plain white collar and barristers’ bands.” Upon reporting of this decision, the *Law Times*, enjoying a laugh at the benchers’ expense, quipped, “The committee is to be congratulated upon the successful termination of their difficult deliberations.”⁵⁸

In their decision regarding women’s clothing, the benchers transferred the elements of the conservative male attire they preferred—“dark clothes, stiff white shirt with cuffs”—to female attire—“long sleeves, ...high, plain white collar.”⁵⁹ Though they also disapproved of contemporary casual male fashion, it was only female attire and the female body that the benchers took pains to regulate. Hiding skin and hair beneath a high collar, wig, and long-sleeved robe removed interwar markers of femininity from the female barrister. The regulation created a conservative dress code, but also de-gendered the body of the female barrister.

Two photographs of Normanton bear witness to the striking effects of the benchers’ regulations. [Figure 5.1, Figure 5.2] The first photograph, taken a few years before her call, depicts her seated, the plunging neckline of her evening dress drawing the eye to her full bust and cinched waist. Her hair is pulled back, but her bangs frame her face in rounded puffs. The

⁵⁷ Gilchrist Alexander, *The Temple of the Nineties* (London: William Hodge & Company, 1938), 3. Robert Blackham, *Wig and Gown The Story of the Temple, Gray’s and Lincoln’s Inn* (London: Sampson Low, Marston & Co., Ltd., 1932), 187.

⁵⁸ “Robes for Women,” *Law Times*, Apr 8, 1922.

⁵⁹ Gilchrist Alexander, *Temple of the Nineties*, 3. “Robes for Women,” *Law Times*, Apr 8, 1922.

photograph is slightly blurred, creating a soft, ultra-feminine effect. As noted above, in 1922 Normanton commissioned a set of photographs of herself taken in wig and gown. Standing with her right hand resting on a book, both the pose and the sharply defined focus connote a certain masculine quality. She wears a dark suit that, beneath the folds of her robe, could end in trousers or skirt. Her waist and bust are obscured by the robe, her neck by the barristers' bands, and her hair beneath the wig. With a timepiece at her wrist as her only ornamentation, Normanton is a completely de-feminized figure.

Normanton and the eight other women from the Middle Temple who were called to the bar in mid-November 1922 were subject to renewed press interest in women at the Inns sparked by the call of Ivy Williams at the Inner Temple in May of that year. Holding an Oxford BA, MA, BCL, and London University LLD, Williams was the first woman to be called to the bar in England. Though she enjoyed a long career as an Oxford lecturer, she never intended to or attempted to practice.⁶⁰ This left her largely out of the eye of the press. Normanton and other women who sought briefs at the law courts had a far different experience. Reporters lingered outside the court, waiting for female "firsts" to generate copy. Shortly after her call, Normanton found herself the subject of the headline of an *Evening Standard* article, "PORTIA IN COURT. MRS. NORMANTON DONS WIG AND GOWN. NO BRIEF YET, BUT--" Once more she was required to explain to the benchers that under no circumstances had she spoken to a reporter at the *Standard*. The next day she was forced to do the same regarding a report in the *Lady Chronicle*.⁶¹

⁶⁰ Patrick Polden, "Portia's Progress," 316.

⁶¹ "PORTIA IN COURT. MRS. NORMANTON DONS WIG AND GOWN. NO BRIEF YET, BUT—" *Evening Standard*, Nov 20, 1922. "WOMEN'S FIRST DAY IN WIG AND GOWN. TWO PORTIAS ATTEND THE LAW COURTS," *Lady Chronicle*, Nov 21, 1922. Women's Library 7HLN/A/07, undated.

Newspapers particularly seized on women in wig and gown as a source of sensation and humor. The *Evening Standard*, in keeping with its fashion obsession, proclaimed in 1922, “WOMEN BARRISTERS’ HIDDEN TRESSES. WIGS MAKE THEM LOOK LIKE MEN.”⁶² Just as they had when women entered other uniformed professions or the universities, papers treated women’s appearance as deviant and representative of the inadequacies of the female professional or student.⁶³ Even papers more enthusiastic about female barristers took the opportunity to mock the women. A *Daily Mail* article detailed the “many handicaps” of the woman barrister. Women’s bodies, by virtue of size, vocal pitch, and tresses, were rendered comical when decked with the trappings of the profession. In addition to women’s lesser height and voices, the author asserted, women were handicapped by their hair. “How is a woman to wear her wig? If she waves her hair and puts her wig on top of it she looks as if she were varying a beehive. Alternatively, if she wears ... short, straight hair she looks like a female convict when she takes it off.”⁶⁴

Despite caricatures of the manly lady barrister in the daily press, however, female law students and barristers understood that their best chance of success at the Bar was to de-emphasize their gender and embrace the styles and culture of the Temple. Accounts of women diners in hall recorded a “masculine solidity,” down to the “the shade and style of the costumes they wore beneath their students’ gowns.”⁶⁵ Women barristers and students socialized in the common room, joined the Hardwicke debating society, and played lawn tennis and stoolball with their male peers.⁶⁶ Such efforts did not mean that they were forced to abandon current women’s

⁶² “WOMEN BARRISTERS’ HIDDEN TRESSES,” *Evening Standard*, Nov 18, 1922.

⁶³ Paul Deslandes, *Oxbridge Men* (Bloomington: Indiana University Press, 2005). Carol Dyhouse, *Students*. Martha Vicinus, *Independent Women: Work and Community for Single Women, 1850-1920* (Chicago: University of Chicago Press, 1985).

⁶⁴ Hervey Middleton, “DON’T ENVY THE WOMAN BARRISTER,” *Daily Mail*, June 29, 1938.

⁶⁵ “Women in the Inns,” *Law Journal*, Jan 17, 1920.

⁶⁶ “STOOLBALL IN LONDON MATCH IN TEMPLE GARDENS,” *Sunday Times*, Oct 24, 1920.

fashions altogether. At least one woman lunching in Middle Temple Hall wore a “grass-green woolen waist-coat with a high collar and jaunty bow.” This flash of color defied the Temple’s preferred blacks and grays, but it also carried what might otherwise have been an unremarkable lunch into the evening news.⁶⁷

Some male Templars welcomed their new female peers, even as they expressed uncertainty about how women would fit into established bar culture. Traditionally, all law students and barristers, regardless of rank, dropped honorifics and addressed each other by surname only. In 1924, A. J. Fox-Davies sent a short note to Normanton to congratulate her on winning her first case. He addressed the note, “Dear Normanton,” but hastened to add, “(I presume you wish to adopt the ordinary rule of the Bar.)” When offering advice on a case the following year, Cartwright Sharp erred on the side of caution. “Dear (Mrs) Normanton,” he wrote, “(I never quite know how to address a fellow barrister who is a woman.)” Sharp’s parenthetical “Mrs.” captures both men’s dilemma: was the lady barrister primarily a lady, commanding courtesy and respect, or a barrister, to be acknowledged as one of the fold by fraternal familiarity? In concluding his note Fox-Davies, at least, decided on the latter. He closed with the crude, “Isn’t old Blacherley a priceless ass,” a joke indicating shared collegiality rather than cultivated politesse.⁶⁸

Not all men in the Temple welcomed women barristers, nor were the missives they sent as friendly. In November of 1924, Normanton received an anonymous letter from the Middle Temple Common Room sent by members who described themselves as “consistently opposed” to women’s entry to the bar. “Feminine jealousy,” the writers warned, had placed Normanton at the center of much gossip, perhaps because her “partial successes” in scoring briefs and winning

⁶⁷ “Women Barristers’ Clothes,” *Daily Mirror*, Feb 14, 1924.

⁶⁸ Women’s Library 7HLN/A/06 Jun 2, 1924. 7HLN/A/17 Jul 6, 1925.

cases had “caused the other women envy.” The writers wondered why Normanton ignored what was being said about her, especially by one Miss Ethel Bright Ashford. Called to the bar at the same time as Normanton, Ashford’s interests lay in municipal law. The writers informed Normanton that Ashford “openly makes statements about your mode of life, literary work, marriage, and what is most important to us, your professional code.” There is no way of knowing whether or not Ashford actually made the alleged comments about Normanton, though Ashford may have been jealous of the press attention she attracted.⁶⁹

The writers of the letter to Normanton used the long-standing trope of women as gossips to set sly, secretive female behavior against forthright, honorable male behavior. Though they assured Normanton that they did not believe the gossip, the writers warned her that her “own impassity [was] being remarked upon.” She should not, the writers cautioned, continue to invite Ashford to her home and treat her like a friend. Such behavior was incongruent with the male codes of honor the writers conflated with professional etiquette. Not to challenge the rumors was, in terms of such codes of honor, to acknowledge them as true. Of course, the men’s own letter—critical and sent anonymously—was hardly an open and forthright action. Furthermore, by addressing the letter from the Middle Temple Common Room, the authors aligned their viewpoint with one of the physical spaces of the Inns, implying that all barristers in the common room agreed that the gossip surrounding Normanton had too long gone unchecked. The letter was signed simply, “Your Wellwishers.”⁷⁰

Whether or not this letter exaggerated the rivalry between Ashford and Normanton, women barristers did compete over limited resources, in some cases quite basic and material

⁶⁹ The following articles, however, mention both Normanton and Ashford by name. “WOMEN BARRISTERS’ HIDDEN TRESSES,” *Evening Standard*, Nov 18, 1922. “PORTIA IN COURT,” *Evening Standard*, Nov 20, 1922. “WOMEN’S FIRST DAY IN WIG AND GOWN,” *Lady Chronicle*, Nov 21, 1922.

⁷⁰ Women’s Library 7HLN/A/17, Nov 21, 1924.

ones. In a 1933 letter to Normanton, Chrystal Macmillan, a feminist activist and barrister, explained that the London Sessions Court had provided female barristers with a special changing room, but that it contained only six lockers for eleven women. Macmillan and three other women barristers decided among themselves that they would distribute the lockers according to seniority of membership in the Sessions, a method that awarded a locker to Macmillan and left Normanton without one. Normanton responded with a lengthy letter detailing her distaste for the “undemocratic” method of locker allocation. In an attempt to shame Macmillan for the decision she had reached, Normanton haughtily closed her letter, “I not only object to being left lockerless myself, but I should feel it very invidious and embarrassing if I had a locker at the expense of any other woman equally entitled.”⁷¹ On the one hand, Normanton’s desire for a locker stemmed from practical concerns. She had injured her ankle, and found it difficult to carry her barristers’ robes with her from court to court. More importantly, having to carry robes to the London Sessions marked Normanton as an outsider; having a locker in which to store them at the court was a symbol of belonging to and at that court.

Belonging was a central issue for women barristers in relation not only to the courts but to their associated circuit and sessions messes. Corollaries to the Inns of Courts, circuit and sessions messes were technically the “disciplinary bod[ies] controlling the members of the bar attending a particular circuit” or sessions court. In reality they functioned primarily as “social club[s],” spaces to provide food, lodging, and company for barristers away from home.⁷² Unlike the Inns of Court, whose rituals were widely documented in print, it is difficult to recover the precise activities of messes, “since a member of one circuit mess [was] not permitted to divulge even to a member of another circuit mess anything of the doings and ceremonies of his

⁷¹ Women’s Library 7HLN/A/17, Jun 29, 1933.

⁷² “Women Barristers and Bar Messes,” *Law Times*, Feb 24, 1923.

mess, under penalty of expulsion from membership.”⁷³ In their extreme secrecy the messes were even more like fraternities than the Inns themselves.

When the Inns admitted women to the bar there arose the question of whether or not women would also be admitted to the messes. Traditionally, barristers who pleaded in a particular court or local sessions, for example the London Sessions or the Northern Circuit, joined the associated mess. The Sex Disqualification (Removal) Act of 1919 ensured that no organization could deny women barristers the right to plead in court, but legally “the King’s Courts [were] open to any barrister” whether or not he or she belonged to the mess.⁷⁴ Some circuit and sessions messes readily welcomed women. Normanton’s supposed rival, Ethel Bright Ashford, for example, was one of the first two women elected to full membership by a circuit mess (of the South-Eastern Circuit) in 1923.⁷⁵ Other messes chose to admit women exclusively on special occasions, for example “on Grand Night only.”⁷⁶ Still others proposed to allow women barristers to plead cases at their particular circuit or sessions court but to prohibit them from joining the mess altogether. As one *Law Times* correspondent asked, what “do women barristers lose? ... [T]he answer is: the doubtful pleasure of dining in inadequate numbers at what is a men’s dinner.”⁷⁷

Normanton became a member the North London Sessions Mess in 1931, nine years after her initiation application was rejected for reasons that would, she contended, not “have been raised if I had not been a woman.”⁷⁸ Among her papers is an undated poem composed by a

⁷³ Ernest Bowen Rowlands, “The Etiquette of the Bar,” *Law Times*, Nov 30, 1895.

⁷⁴ “General Intelligence. Women Barristers and Bar Messes,” *Law Times*, Feb 24, 1923.

⁷⁵ “General Intelligence. Women Barristers and Bar Messes,” *Law Times*, Mar 10, 1923.

⁷⁶ C. P. Hawkes, *Chambers in the Temple*, (London: Methuen & Co., 1930), 74-75.

⁷⁷ “General Intelligence. Women Barristers and Bar Messes,” *Law Times*, Mar 10, 1923.

⁷⁸ Women’s Library 7HLN/A/17, Jun 29, 1933.

member of the sessions mess, likely read at a dinner in the late 1940s. Written in a lower class dialect, each stanza poked fun at various members of the mess. The verse on Normanton read

The lady's 'Elena Normanton
A Winner, a real blinkin' pearl,
She's the queen of the mess and its sweetheart.
She's the Old Bailey's own pin-up girl.

On the one hand, the quatrain pointed to the degree that even in the late 1940s, Normanton was still one of the few women at a "men's dinner." The lines began, "*the* lady," indicating she was the only one in the mess. The verse in fact drew all its humor from Normanton's gender, and perhaps her appearance: in her sixties, bespectacled, and on the stouter side, Normanton hardly resembled a "pin-up girl." Yet there is another way one could read the stanza. The fact that Normanton was included at all was a sign of affection and belonging to the group. It would have been far more effective to signal her outsider status by omitting her completely from the poem. The author's possessive language certainly suggests inclusion: "the Old Bailey's own." Though it drew attention to Normanton's greatest difference, her gender, perhaps the reason she saved a copy of the poem was because she was laughing along with the men.

Normanton's integration into professional culture, however, was exceptional rather than representative. Even when the circuit messes unreservedly admitted women, or the Middle Temple allowed women students to dine with men, as they did in 1933, other exclusions remained.⁷⁹ Late in her career, for example, Normanton noted women's difficulties finding pupillage—an apprenticeship-like jumpstart to success at the bar—in male-headed chambers. Some barristers had blatantly decided "not to take any ... women students;" others made excuses

⁷⁹ MT MPA May 18, 1933.

on the grounds of inadequate lavatory accommodation.⁸⁰ Refusing to take female pupils was yet another of the many spatial logics that undergirded professional resistance to women members. From separating women diners in hall to subtly claiming common space as men's domain, from excluding women from circuit mess socialization to providing insufficient changing facilities at court, male members of the legal profession manipulated the built environment and its ties to tradition to maintain resolutely masculine institutions. These forms of resistance discouraged women from joining or succeeding in the profession. Normanton and a handful of others like Rose Heilbron reached prestigious heights, but of the 428 women admitted to the Inns between 1919 and 1939, less than one eighth to one quarter of them practiced as barristers.⁸¹ Stark disparities between men and women at the bar remained through the end of the century, and embedded practices of preferment still persist in the organization of the contemporary legal profession.

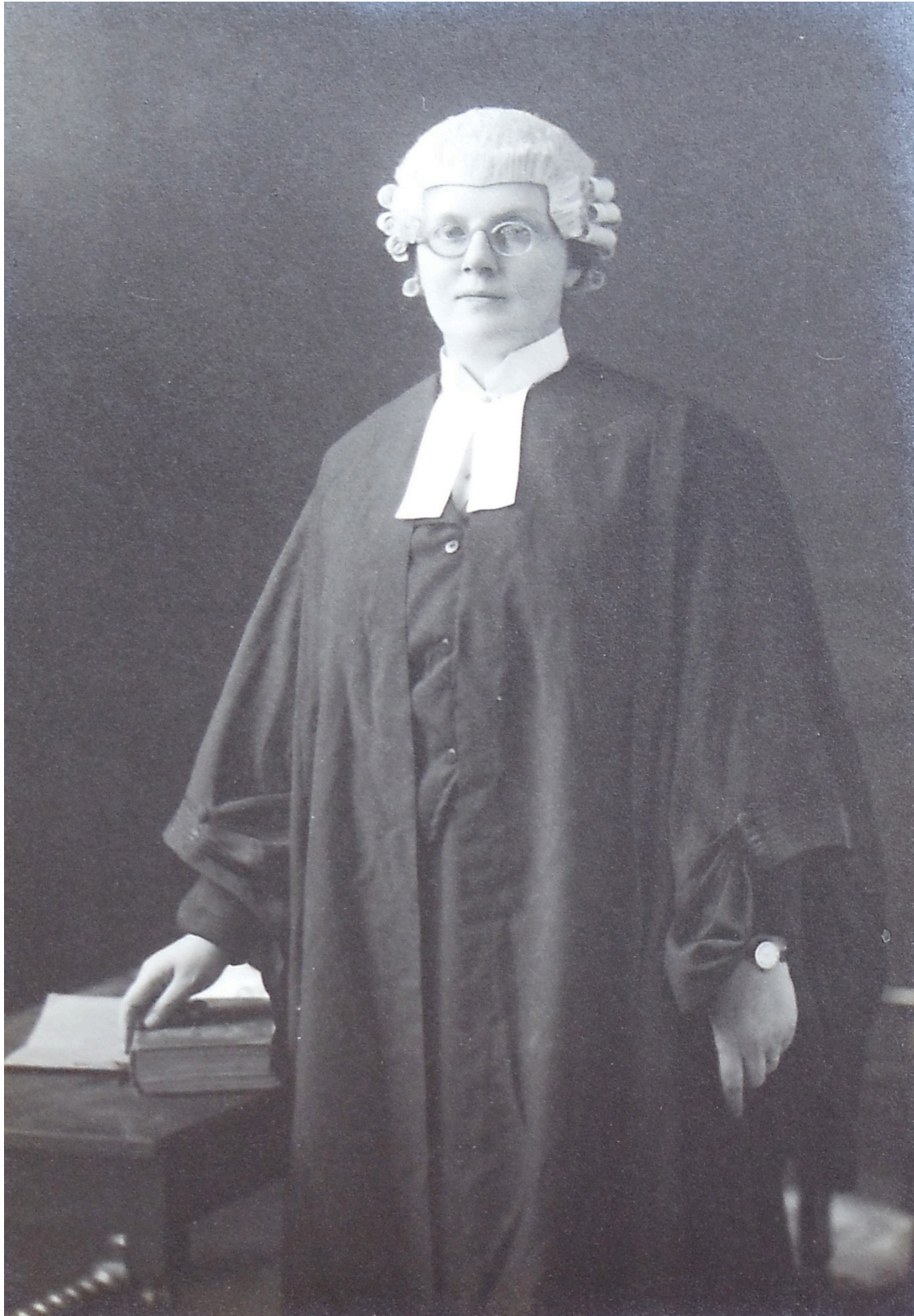
⁸⁰ Women's Library 7HLN/A/18, Nov 30, 1933. Patrick Polden, "Portia's Progress," 322.

⁸¹ Patrick Polden, "Portia's Progress," 314-318.

[Figure 5.1] Women's Library, 7 HLN/E/03 Photograph of Helena Normanton



[Figure 5.2] Women's Library, 7 HLN/E/12 Photograph of Helena Normanton



Conclusion

This study deploys the capacious analytic category of space to consider the Inns of Court as both material formations in the London landscape and mental formations in the British imaginary. It interprets the Inns of Court as a homosocial enclave for the cultivation and performance of professional masculinity. Examining linkages between ancient architecture and historic ritual, *Legal London* connects the material environment to embodied practice. The project frames the Inns as bastions of Englishness in an increasingly cosmopolitan metropolis. It also analyzes the Temple as a London locale that both accommodated and defended itself against civic improvements to city topography and governance. More broadly, *Legal London* locates the Inns of Court at the center of international networks, examining the societies as an ambivalent imperial node and reluctant disciplinary authority for colonial subjects and roving barristers.

In exploring these multiple spatial iterations, the project contends that the ancient and enduring institutions of the Inns of Court defined British metropolitan and imperial modernity as much as newly emergent professional, recreational, or governmental bodies. Scholars like Lynda Nead argue that Victorian modernity represented not a rupture with the past, but rather a layering of eras in constant dialogue with their conditions of existence, a continual exchange between new forms of improvement and existing historical spaces and practices.¹ The Inns of Court, with their medieval rituals and Victorian professional ethos, ancient relics and historicist buildings, status as liberty of London and popular tourist sight, bastion of Englishness and imperial hub, epitomized this collage of old and new. By connecting space and practice, colony and metropole, *Legal London* understands the Inns of Court as not only shaping, but as actively constitutive of, the modern capital and empire.

* * *

¹ Lynda Nead, *Victorian Babylon* (New Haven: Yale University Press, 2000), 8.

After decades of preoccupation with questions of women's and foreigners' place at the Inns, in 1939 the societies' priorities rapidly shifted to the material exigencies of the nation's war with Germany. Even before the Blitz began, the Inns of Court felt the negative effects of the conflict on both their revenues and their long-standing traditions. By January 1940 the Middle Temple worried about maintaining the society's income from letting chambers, as many barristers and law students had joined the armed forces or were otherwise engaged in war work. The society tried its best to operate "so far as possible on Customary lines," but they were forced to suspend dinners in hall. The Inn had neither the funds nor the labor force to continue with this ancient ritual. Foregoing dinners saved the Middle Temple about £800 each term; moreover at least thirty-one members of the serving staff had left to help with the war effort.² The following month the Inner Temple closed the gates to the garden as it could not afford to maintain the flowerbeds.³ Throughout the summer the societies found other ways to cut costs and gain income, sharing one library between the two of them, renting vacant chambers to the Home Office. Meanwhile fewer and fewer Templars populated the Inns, either joining up or evacuating the capital.

Come September, German bombs transformed the Temple, long characterized by literary fiction and topographic guidebooks as a medieval relic, from a figurative to a literal London ruin. That month a high explosive bomb destroyed the roof and interior of the Inner Temple Hall. Another set a gas main on fire. Still others smashed windows, toppled masonry, blew off roofs.⁴ In October a landmine attached to a parachute virtually demolished all of Elm Court, and the flying debris from its impact damaged other Middle Temple structures, most notably the hall. In

² MT MPA Jan 10, 1940.

³ IT BEN Feb 28, 1940.

⁴ MT MPA Oct 3, 1940.

addition to smashed glass and warped panels, flying masonry and stones destroyed a portion of the hall's much-valued double-hammer beam roof and collapsed its elaborately carved screen.⁵ The societies undertook repairs as best they could, and relocated their more portable treasures and documents to facilities outside London. The Luftwaffe continued to drop explosives on the Inns, and in May 1941 incendiary bombs destroyed significant portions of the Temple Church, including all but one of its famed medieval stone effigies.⁶ The rump population of inhabitants at the Inns sustained no casualties, but by 1942 almost no Temple building was left unscathed.

The war depopulated the mythic Temple of Victorian fiction and interwar histories and razed it to the ground; how different, then, were the societies that rebuilt themselves at the war's end? The contests over and issues surrounding the postwar Inns of Court may have come in the trappings of decolonization, revitalized feminism, and the welfare state, but at heart they echoed the concerns raised by reformers and members of the bar a century before: Were the Inns enduring professional models or outmoded institutions in need of reform? Should that reform come from Parliament or be driven by the societies? To what degree did—or should—the Inns accommodate or incorporate their women and overseas members? Of course, the postwar moment spurred certain noticeable changes at the Inns. Fewer members of the societies came from affluent backgrounds, bringing to the profession, as Gilchrist Alexander put it, “an air of practicality.”⁷ Immediately after the war the numbers of overseas students spiked to an all-time high, outstripping British students for the first time in the societies' history. Gradually, however, the societies re-established their resolutely English, masculine character, emphasizing custom, precedent, and self-directed education. English male barristers and law students slowly returned to the Inns, dining rituals resumed in newly-rebuilt halls. Much of the Inns of the postwar era

⁵ MT MPA Nov 28, 1940.

⁶ MT MPA May 29, 1941.

⁷ Gilchrist Alexander, “The Modern Outlook at the Bar,” *Law Times*, Oct 20, 1950.

looked—in terms of governance, architecture, culture, and practice—like their Victorian predecessors.

Postwar parliamentary initiatives, like those a century before, resulted in very few changes to the bar. The nationwide commitment to social welfare that drove other sweeping transformations in Britain caused the Labour Government to evaluate the failings of the legal system. Parliamentary committees concluded that litigation should be more affordable to a wider swathe of society, but rather than alter the courts or the legal system, instituted an immense system of legal aid. One or two individual reformers, such as eminent legal scholar Glanville Williams, highlighted the Inns of Court as sites likewise in need of revision. Williams and others contended that the societies did little, if anything, to prepare law students to practice law. They pointed, for example, to examinations that privileged antiquated subjects such as Roman law over knowledge of contemporary branches like taxation. Much like their Victorian counterparts, however, Parliament largely ignored these individuals. The Inns, in turn, responded with small conciliatory reforms, such as making pupillage in chambers compulsory.⁸

In rebuilding the bombed-out portions of the Inns of Court, the societies chose architectural styles in keeping with those they had emphasized over the past century and a half to evoke the Inns' storied past. In other areas of London, architects replaced buildings destroyed by the war with those of decidedly modern, postwar styles. Brutalism, for example, with its straight lines of poured concrete, gained popularity both for its relatively low cost and its architectural "honesty."⁹ The Inns of Court, however, rebuilt and repaired their buildings with painstaking historicism. Papers like the *Illustrated London News* celebrated the completion of Temple

⁸ Brian Abel-Smith and Robert Bocking Stevens, *Lawyers and the Courts*, (London: Heinemann, 1967), 247, 315, 358.

⁹ Alexander Clement, *Brutalism: Post-war British Architecture* (Wiltshire: The Crowood Press, 2011). Owen Hatherley, *A Guide to the New Ruins of Great Britain* (London: Verso Books, 2010).

repairs with headlines like, “Restored Again ... The Historic Beauties of the Middle Temple Hall.” Such articles detailed the meticulous reconstruction of the Elizabethan screen, joined so artfully that one could not detect any of the individual splinters.¹⁰ Elsewhere the societies replaced Georgian brick facades with new brick facades, neo-gothic buildings with new (if somewhat less ornate) neo-gothic buildings. The Middle Temple relocated its library, but left the stone steps and arched entranceway of the demolished 1857 structure on its western border, a ruin of the Temple past.

The societies’ rule over their newly rebuilt domain remained autonomous, their status as local authorities unscathed by the war. In fact, postwar legislation reaffirmed the Inns’ independence. To be sure, the Temples Order 1971 ceded certain responsibilities, ranging from flood protection to dog licenses, to the City’s Common Council. Many of these functions would have been impractical for the societies to carry out themselves, however, or related to a residential population no longer occupying the Inns. Overall, the legislation confirmed the Inner and Middle Temples’ functions as like those of any “inner London borough.” The societies to this day remain in charge of their own paving and lighting, refuse collection, liquor licensing, and environmental protection, among other things.¹¹ The 1971 legislation may have shifted the non-physical boundaries between the Temple and the City, but in doing so it explicitly empowered local authorities and re-inscribed the division between the two bodies.

Much like their predecessors, the postwar Inns met the dramatic increase in both numbers and percentage of overseas students with superficial conciliations while subtly bolstering engrained practices of discrimination. The prospect of independence motivated colonial students to join the Inns more than ever, because they viewed qualification as a barrister as a useful tool

¹⁰ “Restored Again After the Damage of War,” *Illustrated London News*, Jul 9, 1949.

¹¹ NA HLG 120/2556 Temples Order 1971.

for carving out prestigious careers in newly formed states. Given that the number of English law students had declined with the war, overseas students went from just 12 percent of the bar in 1885 to a full three-quarters of those called by 1963. The Inns responded by offering more studentships for overseas members, as well as special funds for holidays in the country and other recreational practices. At the same time, the postwar societies were mercenary in their approach to overseas students, eager to earn money on admissions and call fees and interests on deposits, but not particularly generous in the academic resources they extended to students with diverse educational backgrounds. Overseas students' pass rate on the final examination, with its Anglo-centric legal and historical topics, was significantly lower than that of domestic students. In 1964 the societies decided to limit the number of re-sits for the exam, an action calculated to reap the benefit of the forfeited deposits of those who did not pass.¹² The societies also instated a contested measure that required law students to declare whether they intended to practice in England or overseas, dividing them into two sections. Students who would practice overseas believed they "would have to settle for a second-class degree."¹³

Those students who protested in response found little solidarity amongst their peers, many of whom refused to recognize racial issues at the Inns. Overall, law students and barristers engaged in far fewer and less dramatic direct actions than students at other metropolitan institutions, such as the London School of Economics. The Inns had no tradition of politically active student unions on which to draw, and dissent fell along lines of national origin.

Newspapers reported wide variations in levels of participation depending on their sources:

¹² Beginning in the mid-1960s, the numbers of overseas students began to rapidly decline as newly independent nations, especially those in Africa, established their own bars. Richard L. Abel, *The Legal Profession in England and Wales* (New York: Blackwell, 1988), 76-77.

¹³ Hugh de Wet, "Bar students in protest to Race Relations Board," *Times*, Nov 11, 1969.

anywhere between 5 and 15 percent of the total student body took part in demonstrations.¹⁴ In 1968 a group of students formed the Bar Students' Reform Committee to protest overcrowding at lectures, the limited number of exam re-sits, and the division of law students based on their intent to practice in Britain or overseas. They held a one-day sit-in at a building in Gray's Inn, in which about 100 students "organized discussions on law and held sing-songs." In response to this action, and a similar one the following year, members of the Senate Students' Committee, the Student Link Committee, and the Federation of Conservative Students denounced the efforts of their peers as "irrelevant," "pathetically small," and a "rag-bag of demands."¹⁵ *Times* editorials written by students of English origin, along with reports in the *Guardian*, empathized with protestors' grievances over class sizes, but dismissed direct action as an inappropriate channel for change. These student groups largely ignored the race-related elements of protestors' demands, as well as the fact that protest leadership, and perhaps participation, lay in the hands of people of color.¹⁶

If women slowly worked their way into associational life at the postwar Inns, it was because their marginal presence did not seem obtrusive, particularly when they took on typically feminine roles. In 1952, for example, when members formed a Student Union, the only female elected officer was Cynthia Allen, secretary.¹⁷ The numbers of women at the bar remained low in the immediate aftermath of the war, and newspapers devoted significantly less ink to women

¹⁴ In 1968, nearly 550 out of 3,000 LSE students attended a meeting to decide on occupation of the school. According to one report from a protest leader, about 600 out of 4,000 bar students attended a similar meeting at the Inns of Court that same year. Another article suggested that merely 180 out of 4,000 bar students attended a meeting in 1969. The *Times* reported 100 students at a sit-in in November 1969, whereas the *Guardian* put the number at forty. "Students may drop plan for LSE takeover," *Times*, Oct 22, 1968. Mohammed Arif, "Law Students' Sit-In," *Times*, Nov 22, 1968. "Bar students hold sit-in," *Times*, Nov 25, 1969.

¹⁵ Alex Cloudesley Seddon, Donald Hamilton, Guy H. C. Frankham, "Law Students' Sit-In," *Times*, Nov 14, 1968. Hugh de Wet, "Bar students hold sit-in," *Times*, Nov 25, 1969. "40 law students sit in," *Guardian*, Nov 25, 1969.

¹⁶ Christine Doyle, "We'll sit in, say Bar students," *Guardian*, Nov 23, 1969. "40 law students sit in," *Guardian*, Nov 25, 1969.

¹⁷ "Inns of Court Students' Union," *Times*, Aug 14, 1952.

barristers than they had in the 1920s. Women in the postwar Inns, after all, achieved fewer “firsts” than in early days. When papers did discuss women barristers, articles retained the interwar press’s ambivalent focus on female dress and embodiment, describing women as “glamorous, dramatic personalities” or deriding the “woman barrister clutching a brief and wearing a mini-skirt.”¹⁸ The resurgence of campaigns for women’s rights, which steered women into higher education and professional life, meant that women’s presence at the Inns began to increase significantly after 1965. By the early 1980s women represented 10% of barristers.

Of course, from the moment they set foot at the Inns, women faced significant barriers to successful careers. Women law students in the 1970s reported difficulty in finding pupillage in chambers, a prerequisite for call to the bar. Legislation required the Inns to admit female applicants who met their standards, but nothing compelled individual barristers to take on able pupils. Women also reported difficulties and delays in finding tenancy in chambers after their call to the bar, and further noted that they were disadvantaged in obtaining work once in practice. Such discrimination abounded in part because of the almost exclusive dominance of men as chamber heads. In 1984, out of 219 London chambers, only nine had women heads. Women who did find work were more likely to have careers that plateaued: in the 1980s women were only 2 percent of all QCs, and they represented merely three benchers out of the four Inns’ combined 481.¹⁹

To practice as a barrister in England today still requires a year of pupillage in chambers and a call to the bar from one of the four Inns of Court. Discrimination in the physical spaces of the Inns has abated, but women and minorities at the bar, as in many professions, still face covert

¹⁸ “On the Side of the Law,” *Times*, Apr 20, 1959. “Beating the Clock In High Court,” *Times*, Oct 11, 1966. See also, Phyllis Heathcote, “Parisienne at the Bar: robed and commanding—with little sky-blue shoes,” *Guardian*, Jun 23, 1958.

¹⁹ It is worth noting that one of these women benchers was Elizabeth II, an honorary member of the Middle Temple. Richard L. Abel, *The Legal Profession in England and Wales*, 80-84.

inequalities. Members of both groups are more likely than their peers to be pushed towards the lowest paid work in criminal and family law. Both are more likely to be shut out of the most competitive chambers. Many ethnic minorities and immigrants have less access to elite public schools and universities, assets prized by the top firms. Fierce competition and inadequate maternity leave policies often force women to choose between family and practice. Women remain a minority in the ranks of senior counsel, and are even more grossly underrepresented in the judiciary. Although ethnic minorities make up about a tenth of all barristers, they comprise only about four percent of senior counsel and an even smaller percentage of the judiciary.²⁰ Some contemporary commentators, reproducing earlier views, argue that the gradual increase in the number of women and minority barristers will slowly equalize the imbalances in a white-male-dominated profession. This assurance, however, ignores embedded practices of preferment that, close to a century after debates over minorities' place and women's admission to the bar, still persist and organize professional practice.

²⁰ Richard L. Abel, *The Legal Profession in England and Wales*, 79-85. "A Current Glance at Women in the Law," *American Bar Association*, Feb 2013. "Trends in the solicitors' profession Annual Statistics Report 2012," *The Law Society*, 2013. "Statistics," *The Bar Council*, 2006-2010.

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IOR India Office Records

Inner Temple Archives
IT BEN Bench Table Orders
IT DIS Disciplinary Records
IT PLA Architectural Plans

Liddell Hart Military Archives
Wintringham Papers

London Metropolitan Archives
LMA Inns of Court Rifle Volunteers Diaries and Scrapbooks
LMA Photographs
LMA 1907 Inner Temple Petition to the House of Lords

Middle Temple Archives
MT LBO Letter Books
MT MPA Minutes of Parliament
MT RBW Building Records
MT Scrap Albums Volumes 1-3
MT SRV Staff Records

National Archives
CO Colonial Office Records

Selected Newspapers and Periodicals
Bell's Life in London and Sporting Chronicle
Daily News
Daily Mail
Daily Mirror
Evening Standard
Graphic
Guardian
Illustrated London News
Lady Chronicle
Law Journal
Law Times
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Women's Library
HLN Helena Normanton Papers

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